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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO
UNITED STATES OF AMERICA,
Plaintiff,
vs. NO: CR-15-4268 JB
ANGEL DELEON, et al.,
Defendants.
Transcript of excerpt of voir dire examination
by the Court
January 29, 2018

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1 (Venire panel entered the courtroom.)

2 THE COURT: All right. Everybody be
3 seated.

4 Good morning, ladies and gentlemen. I
5 appreciate everything you've done for us this
6 morning. I know some of you have come from some
7 great distances. I reviewed many, many of the
8 questionnaires, and we'll be talking about some
9 questions off those this morning. But as I went
10 through them, I realized many of you came from all
11 across the state. Many of you came in last night and
12 came in this morning, and I appreciate what you've
13 done.

14 As you will see this morning as we go
15 through things, if you didn't do what you did
16 yesterday, filling out these questionnaires and those
17 sort of things and doing what you did this morning,
18 it would be impossible for us to do what we do in
19 Federal Court, really any court in the country, but
20 particularly here in Federal Court. That's where you
21 came to, many of you from across the state, so I want
22 to thank you very much.

23 Let me introduce myself, and then I'm going
24 to introduce some other people. We'll do it
25 progressively as we go through the morning, so that

1 you know who you're talking to and who is asking you
2 questions, and things like that, and that you feel as
3 comfortable as you can.

4 I am Judge Jim Browning. There are seven
5 district judges in the District of New Mexico, and we
6 have a senior judge, as well, up in Albuquerque. I
7 live in Albuquerque, so I also drove in yesterday
8 afternoon. So I live up in the Northeast Heights and
9 work in the Federal Courthouse at 333 Lomas
10 Boulevard, if y'all know where that is. That's where
11 I mostly do my work, in the courtroom on the fourth
12 floor, and my chambers are on the sixth floor.
13 Generally I say at this point that following the
14 trial, I will invite the jurors that are actually
15 selected to my chambers so I can shake your hands and
16 personally thank you, but I won't be able to do that
17 here. But we'll figure out a place to do it for
18 those people that are selected for the trial, so I
19 can personally thank you for your service.

20 I probably won't be able to do that for the
21 people that aren't selected today, but I'm going to
22 thank you many times today for what you have already
23 done for us and what you're about to do for us.

24 I do come down here a fair amount. In the
25 older days, before we had two district judges down

1 here that lived down here, I came down here a lot.
2 So I spent a lot of time particularly in the
3 courthouse next door, but in this building as well.
4 And so I have to go here and Roswell. I don't go to
5 Santa Fe much. We have a federal courthouse in Santa
6 Fe. There are two judges up there, there's three
7 active in Albuquerque, one senior, then two down
8 here, so that makes up your seven.

9 So I appreciate it, and for those of you
10 who are on the road, I'm with you. So I'm going to
11 be staying down here throughout the trial.

12 Ms. K'Aun Wild is one of the court
13 managers, and for 27 years she and I worked together,
14 when I was in private practice and then 14 years as a
15 judge. But because she's so good, they promoted her
16 recently. So we were in the middle of this, and she
17 has come down, so she's going to help me with jury
18 selection today, and we're very grateful for it,
19 because she's a very experienced court administrator
20 and they've recognized that by giving her a
21 promotion. So I appreciate her being down here
22 today. She lives in Albuquerque and she left her
23 children up there, as well, so she's on the road as
24 well.

25 Joanne Standridge is going to be the CRD

1 for the case, and so she's going to be working with
2 us this morning on jury selection, and for those of
3 you who are selected to be on the jury, she'll be the
4 CRD, the courtroom deputy, that will be here
5 throughout the trial.

6 Jennifer Bean is my court reporter here,
7 and she'll be taking down everything that's said.
8 She's also from Albuquerque, so she's on the road.

9 I have three of my clerks with me. Brendan
10 Hammond is closest to me. Brendan is -- we call him
11 a Texan because he went to University of Texas Law
12 School, but he went to Cornell undergraduate and grew
13 up in the upstate New York area. He's going to leave
14 at the end of August and go work in New York for
15 Sullivan Cromwell, a big firm in New York. He'll be
16 with me throughout the trial.

17 I may have some of my other clerks with me
18 at times. Two of them are with me today. One is Ben
19 Mendelson, sitting next to Brendan. Ben is a true
20 Texan. He grew up in Austin. His family is from
21 Austin, and he went to undergraduate UT and then UT
22 law school. He's going to leave me and go back to
23 Texas. He's going to go work for Edith Jones on the
24 Fifth Circuit. Then he's going to go to New York and
25 work for Morgan Lucy, a Philadelphia firm that has a

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1 big Washington office.

2 And Henry Jones is a New Mexican. He's
3 from Santa Fe, grew up in Santa Fe, went to Santa
4 Clara, California, undergraduate Berkeley, got a
5 journalism degree from Berkeley, and then went to UNM
6 law school. He externed for me. He externed for me
7 and still came back to work for me.

8 So I'm grateful for them. And we'll have
9 another clerk that may show up tomorrow, for those
10 who are selected to be on the jury.

11 There's a lot of people in the room. We're
12 going to have a rolling sort of introduction here in
13 a minute, so everybody at these tables I'll introduce
14 or let them introduce themselves here in a moment.

15 But let me explain a few things to you, and
16 let me say a few things about what we're going to do
17 and what you're here to do. First of all, I want to
18 thank you for what you've already done. As I
19 indicated a minute ago, we couldn't do in Federal
20 Court what we are going to do this morning, and maybe
21 this afternoon, without you being here. And I know
22 that some of you came from some great distances to do
23 it. We don't get a lot of ways to serve our country
24 unless we have one of those special jobs or
25 something. But we do get to vote, and we get to do

1 some other things. But one of the most important
2 things is being selected and serving and being
3 summoned to serve on a jury.

4 If you think about it, really what is going
5 to take place in this courtroom over the next few
6 weeks is one of the most democratic things we do. We
7 elect a president, Congress passes the laws, and they
8 sign them. But when we get ready to apply the law to
9 the facts, to individuals, we kind of put the
10 professionals aside and we ask the citizens to come
11 in. And that is an extraordinary thing that we do,
12 because no other country trusts its people quite like
13 we do. There are still some jury systems out there,
14 but not many, and most countries don't have jury
15 system. They don't trust the juries to apply the law
16 to the facts. And that is extraordinary. And so
17 it's something that's very, very special.

18 And so if you didn't do what you did
19 yesterday and this morning in getting here, we
20 couldn't do it, because it requires the citizens to
21 take that summons and fill out those questionnaires
22 and be very patient and give up their time to be
23 here. So I appreciate it very much, and it is
24 something that's extraordinarily special about our
25 country, that we trust the citizens at this point and

1 kind of put the professionals aside.

2 This stage of the proceedings is called the
3 voir dire or the voir dire, depending upon how you
4 say those French words. And the purpose of the voir
5 dire examination is two-fold. One, it is to enable
6 the Court to determine whether or not any of the
7 prospective jurors should be excused for cause. And
8 then secondly it's to enable the counsel for the
9 parties -- and like I said, I'm going to walk us
10 through this, and let them introduce themselves and
11 each other -- for the parties to exercise individual
12 judgment with respect to what is called peremptory
13 challenges; that is, challenges for which no reason
14 need be given; they just are given a certain number
15 to just excuse.

16 We appreciate all that you've done by
17 filling out a lot of questionnaires that may help us
18 expedite things this morning and this afternoon. On
19 the other hand, it may provide some more questions.
20 But we appreciate it, and that's a follow-up of what
21 you've already done for us.

22 Now, I'm going to -- there's going to be
23 some questions that, if you do not want to answer
24 them in front of anybody or in front of your fellow
25 jurors, you can come up here, and I've got a way to

1 sort of fog the machine up, fog the sound up here, so
2 we can talk at the bench. I'll have to, of course,
3 bring the lawyers up here and we'll discuss it here
4 at the bench, but it will keep you from having to
5 answer in front of everyone. So anytime you want to
6 do that, approach the bench, let me know.

7 I'm going to give you the first question,
8 and then I'm going to swear you in. But the first
9 question is going to be -- and let's talk about the
10 length of the trial. Presently the evidence and jury
11 deliberations are expected to take six to eight
12 weeks. You saw that in the questionnaire and the
13 cover letter that was sent to you. And so the first
14 question is going to be: Does that present any
15 special problems to any of you? But before we answer
16 that question, or begin to explore that question, let
17 me have you stand, now that you're comfortable in
18 your seats, stand and raise your right hand and
19 Ms. Wild is going to administer the oath.

20 (The venire panel was sworn.)

21 THE COURT: Is there anyone that did not
22 say "I do"? All right. Everyone be seated.

23 All right. Let's talk about that first
24 question. Understanding that the evidence and trial
25 and deliberations are expected to take about six to

1 eight weeks -- and let me give you the exact date of
2 that, get that out, so if you don't have these dates
3 memorized -- I think the end of the six weeks would
4 be March 9, and the end of the eight weeks would be
5 March 23. So understanding that period of time it
6 may take us to put this trial on, does that period of
7 time present any special problems for any of you?

8 All right. Let's start with Ms. Decramer.
9 Ms. Decramer, what special problems do the next six
10 to eight weeks present for you?

11 MS. DECRAMER: May I approach?

12 THE COURT: Sure, come on up.

13 Anyone else, the next six to eight weeks?
14 Let's see.

15 Ms. Benavidez, what special problems do the
16 next six to eight weeks present to you?

17 MS. BENAVIDEZ: Child care considerations.
18 And during the time of completing the form, I didn't
19 know that was one of the ones you could do on
20 E-juror, so that's why I didn't do it at that time.

21 THE COURT: You didn't do what? Indicate
22 what?

23 MS. BENAVIDEZ: Request an excusal or
24 deferment on the E-juror site. I didn't know that
25 qualified.

1 THE COURT: Tell me about your child care
2 situation. Describe it a little bit for me.

3 MS. BENAVIDEZ: I've got a one-year-old at
4 home.

5 THE COURT: Okay.

6 MS. BENAVIDEZ: And I'm responsible for
7 picking him up and doing activities at the end of the
8 day. My spouse takes the morning. So that would
9 impact them, as well, for work.

10 THE COURT: Remind me, Ms. Benavidez, where
11 you live.

12 MS. BENAVIDEZ: Albuquerque.

13 THE COURT: Albuquerque. If you were
14 selected, do you think you'd be able to get some help
15 picking the child up in the afternoon?

16 MS. BENAVIDEZ: Potentially.

17 THE COURT: The chances are -- I've only
18 sequestered a jury one time in my life, and that was
19 for one night. I never can predict how a trial will
20 go. I don't expect any sequestration in this case.
21 So you'd have the weekends to go back, and things
22 like that. Do you think you could make it work?

23 MS. BENAVIDEZ: Potentially.

24 THE COURT: All right. Thank you, Ms.
25 Benavidez.

1 Anybody else have their hand up?

2 Ms. Cator? Let's see. I believe that's

3 Mr. Compton?

4 PANEL MEMBER: Are you talking to me?

5 THE COURT: It's Mr. Gonzalez. Right?

6 MR. GONZALEZ: Gonzalez. 13.

7 THE COURT: What special problems does
8 the --

9 MR. GONZALEZ: Well, I'm self-employed, and
10 I run my business by myself. I take my son -- I live
11 in Roswell, but I work mostly in Artesia, New Mexico.
12 I take my son with me every day, and my child care is
13 in Artesia. And this would really set me -- it just
14 really wouldn't work out for me.

15 THE COURT: Okay. Where is your son today,
16 and how are you providing for him today?

17 MR. GONZALEZ: He's with his mother. She
18 ended up staying home for the day.

19 THE COURT: All right. If you were
20 selected for this jury, do you think she could work
21 it out and get him to his -- how old is he?

22 MR. GONZALEZ: He's one.

23 THE COURT: One. Okay. Do you think she
24 could get him to the day care?

25 MR. GONZALEZ: Well, no. She works in

1 Roswell and our child care is in Artesia.

2 THE COURT: All right. Thank you, Mr.
3 Gonzalez.

4 Anyone else in the jury box that has
5 special problems?

6 Ms. Harris, what special problems do the
7 next six to eight weeks present to you?

8 MS. HARRIS: I have a vacation planned.

9 THE COURT: All right. Tell me about your
10 vacation.

11 MS. HARRIS: It's between February 8 and
12 20th, 25th, and I've just been planning to be away
13 visiting friends during that time.

14 THE COURT: Okay. Do you have plane
15 tickets bought? Are you locked in on anything?

16 MS. HARRIS: I do have a reservation. I
17 can change the plane reservation, if I have to.

18 THE COURT: All right. Thank you,
19 Ms. Harris. Appreciate it.

20 Anyone else in the jury box, next six to
21 eight weeks? Let's see. Is that Ms. Morales?
22 Ms. Montes.

23 MS. MONTES: Montes. I have a 10-year-old
24 son, and I have a daughter with cancer at home that I
25 take care of.

1 THE COURT: All right. Who is taking care
2 of them today, Ms. Montes?

3 MS. MONTES: Right now my husband is at
4 home with her.

5 THE COURT: If you were selected, would you
6 be able to have your husband or someone --

7 MS. MONTES: Yeah.

8 THE COURT: All right. Thank you, Ms.
9 Montes. I appreciate it.

10 Anyone else in the jury box?

11 All right. Let's go to the front row in
12 the well. Does anybody have their hand up?
13 Mr. Hassell, what special problems do the next six to
14 eight weeks present for you?

15 MR. HASSELL: Yes, Your Honor. I'm
16 self-employed. I'm retired from local government
17 service, but I own a farm. And the next two months,
18 next three months, are the time for me to be prepping
19 and planting and it would have a major negative
20 financial impact on my farm if I can't get all of
21 that done. I don't have any help. It's just my wife
22 and I, and she works full-time as a seamstress.

23 THE COURT: All right. Thank you,
24 Mr. Hassell.

25 Anyone else on the front row? Let's go to

1 this portion of the well. Anyone else over in this
2 portion? Who back here? Let's go back here. I'll
3 come back to this group here, come back. You might
4 have to -- when it gets kind of far to the back, you
5 may have to stand, and then I'll have to figure out
6 who you are. Are you Ms. Bush?

7 MS. COURTIER: No, I'm Ms. Courtier.

8 THE COURT: Ms. Courtier. Okay. And what
9 special problems do the next six to eight weeks
10 present to you, Ms. Courtier?

11 MS. COURTIER: Well, I work at a senior
12 center, and we've had a lot of changes over the past
13 few months. We have about five staff that are
14 brand-new and just learning their jobs. Also, at the
15 very beginning of the month I have to submit a lot of
16 state reporting, and nobody else knows how to
17 complete that reporting except for me. And I haven't
18 had a chance to train anyone yet on how to do that.
19 And so my concern is just how would that reporting
20 get done.

21 THE COURT: All right. Thank you, Ms.
22 Courtier.

23 Who else had their hand up over here? All
24 right. You might have to stand up for me to see you
25 that far back. Are you -- let's see. Are you Mr.

1 Gallegos?

2 MR. GALLEGOS: Yes, sir.

3 THE COURT: Mr. Gallegos, what special
4 problems do the next six to eight weeks present for
5 you?

6 MR. GALLEGOS: My employment as a public
7 schoolteacher with advanced placement students. And
8 also, our school is going through an accreditation
9 process, and as a department chair, I need to be an
10 active participant in that.

11 THE COURT: All right. Thank you,
12 Mr. Gallegos.

13 Who else back there has their hand up? Is
14 that Ms. Huerta? Ms. Huerta, what special problems
15 in the next six to eight weeks?

16 MS. HUERTA: I'm the only one in the office
17 and in the entire area that does my job. I don't
18 know what would happen if nobody is there to do it.

19 THE COURT: All right. Thank you, Ms.
20 Huerta.

21 Let's see. Ms. Yatsattie?

22 MS. YATSATTIE: Yes.

23 THE COURT: What special problems?

24 MS. YATSATTIE: So I am from the Zuni
25 Pueblo, and in February and March we participate in

1 traditional activities that do not allow me to spend
2 money and I really shouldn't be traveling from home,
3 which is why this morning I also had to leave at 3:45
4 this morning, because I'm not allowed to spend money
5 until the sun rises this morning.

6 THE COURT: All right. Thank you, Ms.
7 Yatsattie.

8 Who else over there? Anybody else? Let's
9 see. Is that Ms. Gothard?

10 MS. GOTHARD: Yes, Your Honor. I take care
11 of my father, who has cirrhosis of the liver. And I
12 just am there at home with him if he needs me. And
13 so six to eight weeks may be kind of a hardship,
14 being four hours away.

15 THE COURT: Thank you, Ms. Gothard.
16 Anyone else over on this side of the room?
17 All right. I think there were some hands
18 over on my right, your left. If you'll stand and --
19 all right. Do you want to come up? Go ahead.

20 Anyone else over here that has their hand
21 up? Let's see. Ms. Wojcik? Am I saying it right?

22 MS. WOJCIK: Yes. I have a 12-year-old son
23 and my husband works on base and is often in
24 top-secret stuff where he's not reachable. So if he
25 were at school or had a reason that he needed to get

1 in touch with me, that would be difficult. No one
2 would be able to be in touch with him. Plus I
3 have -- my organization is concerned about my being
4 away, so I have a letter for that.

5 THE COURT: All right. Can you present
6 that to Ms. Standridge here. Do you have any other
7 family in the area --

8 MS. WOJCIK: Not family.

9 THE COURT: -- if an emergency came up?

10 MS. WOJCIK: I have friends.

11 THE COURT: You have friends? Okay.

12 Who else had their hands up over here?

13 All right. I'm going to go to the back
14 row, or the row right behind, and I believe that's
15 Ms. Tighe? Is that Ms. Tighe? I'm sorry, whoever
16 has got the microphone that wants to speak, they'll
17 need to stand up and speak. Y'all did some switching
18 because of the walker there? So you're Mr. Johnson?

19 MR. SANCHEZ: Sanchez.

20 THE COURT: You're Mr. Sanchez?

21 MR. SANCHEZ: Yes.

22 THE COURT: Okay. I'm having a hard time
23 with this chart. Where is Mr. Johnson? All right.
24 So -- and who is -- to your right, who is that?

25 MS. TIGHE: Ms. Tighe.

1 THE COURT: You're Ms. Tighe. Okay. So
2 Mr. Johnson switched here. We had you. So you're
3 Mr. Sanchez?

4 MR. SANCHEZ: Yes.

5 THE COURT: Let me make these changes here
6 on my chart.

7 All right. Mr. Sanchez, what problems do
8 the next six to eight weeks present for you, special
9 problems?

10 MR. SANCHEZ: Well, I'm self-employed, and
11 I have a small restaurant. And if I have to be here,
12 I'd have to be closed. So like even today, I had to,
13 like, put six employees out of work.

14 THE COURT: Okay. Thank you, Mr. Sanchez.

15 Anyone else have their hands up?
16 Mr. Billings? Is that you? What special problems do
17 the next six to eight weeks present for you?

18 MR. BILLINGS: Yes, sir, I'm a general
19 contractor at Holloman Air Force Base, and it would
20 present a financial hardship. And I'm also enrolled
21 in NMSU, going to school at night, also. So that
22 would present a problem, also, sir.

23 THE COURT: Okay. And do you go at night
24 here in Las Cruces?

25 MR. BILLINGS: In Alamogordo campus.

1 THE COURT: Alamogordo? Okay. All right.
2 What's the drive? I mean, I've made it a lot of
3 times, from Las Cruces to Alamogordo. But how far
4 out is it?

5 MR. BILLINGS: 70 miles.

6 THE COURT: What time do your classes
7 start?

8 MR. BILLINGS: 5:00.

9 THE COURT: Okay. All right. Thank you,
10 Mr. Billings.

11 Mr. Phillips? Okay. Continuing on.
12 Mr. Youngblood? What special problems do the next
13 six to seven weeks present for you?

14 MR. YOUNGBLOOD: I have two different ones,
15 sir. I'm a small business owner. I have two shops
16 in Hobbs, New Mexico. I run one of them, my son runs
17 the other, and I have a manager that flips back and
18 forth. He's also on jury duty right now in
19 Lovington, so if he has to be called in this week
20 when I'm gone, we'll have to shut one of the stores
21 down because I have nobody else to run it.

22 Also, I'm a City Council -- Hobbs City
23 Commission. I'm a candidate for District 5 and our
24 election is March 6. If I'm gone through March 6,
25 there is no way I can win the election. I've already

1 spent several thousand dollars on promotions and ads
2 and everything.

3 THE COURT: Thank you, Mr. Youngblood. I
4 appreciate it.

5 Who else? Let's see. Is that Ms. Murphy?

6 MS. LIEBHART: Sheryl Liebhart.

7 THE COURT: Okay, Ms. Liebhart.

8 MS. LIEBHART: My husband is 60 years old,
9 and normally he's in good health, but he's had a bad
10 cough and he's been really tired for about two
11 months, and we noticed how long it's been just on
12 Friday, and I'm just concerned about his health if
13 I'm gone for six to eight weeks and he's having to
14 keep up with household duties in addition to working
15 full-time.

16 THE COURT: All right. Thank you,
17 Ms. Liebhart.

18 Let's see. On my chart there is a lady
19 sitting next to you. Okay. I see you now. I
20 couldn't see because of Ms. Becker there.

21 All right. Anybody else over here?

22 MR. FINK: Yes, I'm a musician, and I've
23 had several dates booked in advance. And I provided
24 those dates in the questionnaire, as well as the jury
25 form this morning.

1 THE COURT: Are you Mr. Houghtalin?

2 MR. FINK: Jason Fink.

3 THE COURT: I'm not -- what number is that?

4 THE CLERK: It's number 59.

5 THE COURT: Okay. Mr. Fink. All right.

6 Thank you, Mr. Fink.

7 Anyone else? Let's see. Mr. Burton?

8 MR. BURTON: Mr. Burton, yes. My wife and
9 I own a fund-raising business out of Albuquerque.
10 She's the one who does the office stuff. I do the
11 presentations to the different groups, as well as we
12 have three sons. One of them is a senior, and we
13 just got his lacrosse schedule, which means we're
14 going to be traveling February 22nd through the 26th
15 to Las Vegas, Durango. We'll be there March 1st or
16 2nd through that Sunday.

17 Also, I am a supervisor for two different
18 local security companies in Albuquerque, and I just
19 got my schedule for that. So I have all the dates
20 written on that form I got this morning.

21 THE COURT: Thank you, Mr. Burton.

22 Anyone else? All right. Let me ask -- and
23 I'll look around the room and make sure we picked up
24 everybody that has special problems. Again, the
25 evidence and the conclusion of the case is expected

1 to take about six to eight months. So is there
2 anyone else that presents a special problem?

3 THE CLERK: Weeks.

4 THE COURT: What did I say? Months? It
5 may feel like that.

6 All right. Let me have Ms. Decramer come
7 up here. And Counsel, why don't y'all come up here.

8 (The following proceedings were held at the
9 bench.)

10 THE COURT: All right. Ms. Decramer, what
11 special problems do you have?

12 MS. DECRAMER: Well, when I filled out the
13 questionnaire, this problem hadn't come up. But just
14 a little background. My husband was treating for
15 prostate cancer last May, and in October he had to
16 have a procedure done for a very enlarged prostate
17 with the possibility of returning for that procedure
18 in 90 days. And Friday he was told that sometime in
19 this next two weeks we have to return to the Mayo
20 Clinic for another procedure. And we're also putting
21 our house up for sale and moving back to Minnesota.

22 THE COURT: Are you using the Mayo Clinic
23 in Phoenix or Minnesota?

24 MS. DECRAMER: Minnesota.

25 THE COURT: All right. Let me see. While

1 we're up here, does the Government have any questions
2 of Ms. Decramer?

3 MR. BECK: No, Your Honor.

4 THE COURT: How about any of the defense
5 lawyers?

6 MS. DUNCAN: No, Your Honor.

7 THE COURT: Thank you, Ms. Decramer.
8 Appreciate it.

9 Mr. Dixon, come on up.

10 MR. DIXON: I didn't really need to come up
11 here. I have a letter. Essentially I'm the only
12 person that does what I do for a client. Also, both
13 my kids are going on soccer trips for President's Day
14 to different places, so my wife and I are each going.

15 THE COURT: We're not going to be in court
16 on President's Day.

17 MR. DIXON: It's a five-day --

18 THE COURT: We're not going to be here on
19 the three-day weekend. Does that help you?

20 MR. DIXON: It's Friday through Tuesday.
21 Also, I'm a basketball official doing high school
22 games, and this is a big time of year.

23 THE COURT: Have you seen the Hobbs Eagles?

24 MR. DIXON: I've seen Clovis, but not
25 Hobbs.

1 THE COURT: They were in town Friday night.

2 MR. DIXON: Yeah, I'm pretty much right
3 there.

4 THE COURT: All right. Does the Government
5 have any questions of Mr. Dixon?

6 MR. BECK: Mr. Dixon, it sounds to me like
7 the trip for President's Day, you leave on Friday and
8 back on Tuesday; is that accurate?

9 MR. DIXON: We leave on Thursday.

10 MR. BECK: And that's both you and your
11 wife?

12 MR. DIXON: I'm going to Phoenix, she's
13 going to Las Vegas.

14 MR. BECK: That's all.

15 THE COURT: How about from the defense?

16 MS. DUNCAN: I don't have any questions,
17 Your Honor.

18 MS. BHALLA: No, Your Honor.

19 THE COURT: Thank you, Mr. Dixon. I
20 appreciate it.

21 (The following proceedings were held in
22 open court.)

23 THE COURT: All right. Anyone else that
24 the next six to eight weeks present a special problem
25 for any of you?

1 All right. Let me tell you a little bit
2 about the case. That is a criminal case. I'm not
3 going to read the indictment, but we'll be talking
4 about the indictment. But I'm going to kind of
5 summarize for you here about this case. And so the
6 question I'm going to be asking you after this is:
7 Has any member of the panel heard or read anything
8 about the case?

9 This is a criminal case brought by the
10 United States Government. Again, I'll introduce the
11 lawyers here in a moment. I'll sometimes refer to
12 the United States as the prosecution.

13 The charges against the defendants, whom
14 we'll introduce here in a moment, as well, are
15 contained in the second superseding indictment. I
16 will sometimes refer to the second superseding
17 indictment as the indictment. There are four
18 defendants who are charged in this matter, and all
19 four are charged with a crime which is a type of
20 racketeering charge. Specifically, the United States
21 alleges that the defendants were members or
22 associates of a racketeering enterprise known as
23 Syndicato de Nuevo Mexico, or SNM.

24 The four defendants are all presumed
25 innocent, and I'll be emphasizing that a lot this

1 morning as we talk about some of the questions on
2 your questionnaire.

3 Assistant United States Attorneys -- why
4 don't I go ahead and have the counsel stand for this.
5 So when your name is called, you can stand. But I'll
6 let you introduce yourself a little bit later, as
7 well.

8 But Assistant United States Attorneys Maria
9 Y. Armijo, Randy M. Castellano, and Matthew M. Beck
10 will be prosecuting this case and representing the
11 United States. Thank you.

12 The defendant are Daniel Sanchez,
13 represented by Amy Jacks and Richard Jewkes.

14 MR. JEWKES: Good morning.

15 THE COURT: Anthony Ray Baca, represented
16 by Marc M. Lowry and Theresa M. Duncan.

17 Carlos Herrera, represented by William R.
18 Maynard and Carey Bhalla.

19 And Rudy Perez, represented by Justine
20 Fox-Young and Ryan Villa.

21 The defendants are charged as follows. The
22 defendants Daniel Sanchez, Anthony Ray Baca, Carlos
23 Herrera, and Rudy Perez have been charged in the
24 indictment in Count 6 with violent crimes in aid of
25 racketeering for conspiring to murder J.M., Javier

1 Molina.

2 These defendants have also been charged in
3 the indictment in Count 7 with violent crimes in aid
4 of racketeering for the murder of J.M., Javier
5 Molina.

6 Defendant Anthony Ray Baca has been charged
7 in the indictment in Count 8 with violent crimes in
8 aid of racketeering for conspiring to commit assault
9 resulting in serious bodily injury to J.R., Julian
10 Romero. And defendant Anthony Ray Baca has been
11 charged in the indictment in Count 9 with violent
12 crimes in aid of racketeering for conspiring for
13 murder D.S., Duane Santistevan. And defendant
14 Anthony Ray Baca has been charged in the indictment
15 in Count 10 with violent crimes in aid of
16 racketeering for conspiring to murder G.M., who is
17 Gregg Marcantel.

18 All defendants have pled not guilty to all
19 of the respective charges and, again, are presumed
20 innocent. Has any member of the panel heard or read
21 anything about the case?

22 If you have, why don't you come up and line
23 up, because I don't want to have you talking about
24 what you know about the case in front of everybody
25 else. So if you'll just make your way up here, that

1 will help me out. So everybody that has heard or
2 read anything about the case, if you'll make your way
3 up here. The lawyers, if you'll come up here, and
4 we'll discuss with the jurors individually what they
5 have heard or read about the case.

6 (The following proceedings were held at the
7 bench.)

8 THE COURT: All right, Mr. Oldknow.

9 MR. OLDKNOW: Last name is Oldknow, juror
10 10.

11 THE COURT: Mr. Oldknow, how are you doing
12 today?

13 MR. OLDKNOW: I'm doing okay. Thank you,
14 sir.

15 THE COURT: Tell me what you have heard or
16 read about this case.

17 MR. OLDKNOW: I am a Freemason, and when I
18 was preliminarily summoned and I ended up talking
19 with the secretary of the Lodge, who is a retired
20 commander of the state police, he shared with me a
21 little bit about the Sindicato in the past, the
22 Astorga case particularly, that he was influenced by,
23 but particularly to this case, and I have to admit I
24 don't know. I did look at what I believe is called
25 an affidavit for a member of the Sindicato by the

1 name of Benito. It was an affidavit to hold him
2 over, to keep in jail awaiting trial. So I was
3 exposed to the information in that.

4 THE COURT: Okay. Now, I'm not sure I know
5 about this affidavit. Maybe all the lawyers here do.
6 But can you tell me what that affidavit says?

7 MR. OLDKNOW: It was an argument made to --
8 he was seeking to be released during the time
9 awaiting trial. And it went over -- he was making an
10 argument that he had turned a new leaf. Subsequent
11 to the mid 2000s, when you look at his time in jail,
12 when you look at -- I guess the best way to say it, I
13 was hard-pressed to hear that as a defense and an
14 excuse. He was still deeply involved in what he was
15 doing.

16 THE COURT: Now, we haven't -- you've now
17 heard the introduction of the defendants. Whoever
18 this gentleman is is not a party of this case, and it
19 sounds like you -- I don't want to put words in your
20 mouth. It sounds like you know a little bit about
21 the SNM, but you don't know a lot about this
22 particular case. Is that fair?

23 MR. OLDKNOW: I've learned a little bit
24 about SNM. The other thing that I think it's prudent
25 to mention, Your Honor, out of good conscience, my

1 family history, my mother was the supervising nurse
2 at St. Vincent's Hospital. And in 1980, during the
3 state prison riot, there were other influences upon
4 my extended family who suffered from post-traumatic
5 stress from exposure to the events in the riot. And
6 thank you for the opportunity to do this not in
7 public. I understand that the Sindicato emerged in a
8 lot of ways as a reaction to the events of 1980. So
9 when I received the original questionnaire and saw
10 the name, I had to look into who it was. And so I
11 just think it's important to mention that.

12 THE COURT: Okay. Can you tell me what you
13 have read or heard about SNM?

14 MR. OLDKNOW: They're a significant prison
15 gang. They have strong relationships with the
16 smaller gangs, the community gangs in town. They use
17 them as feeders and as enforcement. They're involved
18 in drug-running, they're involved in murder
19 enforcement, racketeering in general. Most of what
20 I've learned directly about the Sindicato I picked up
21 from reading that piece on --

22 THE COURT: That affidavit?

23 MR. OLDKNOW: -- that affidavit.

24 THE COURT: There's going to be probably a
25 lot people that live in New Mexico, and have heard of

1 the SNM. Of course, a lot of people of my age and
2 things lived through the prison riots and know about
3 that. Knowing what you know, and now knowing a
4 little bit what the charges are in this case, do you
5 think you could be fair and impartial to both parties
6 in this case?

7 MR. OLDKNOW: Sir, I am a bleeding-heart
8 liberal and it is only with good conscience that I
9 have to admit and at my age I'd like to believe that
10 I'm impartial to anybody. But frankly, sir, no. My
11 mother died because of this. She ended up drinking.
12 She lost her faith in humanity and the spirit of
13 humanity. Our extended family relationship to Lujan,
14 David Martinez, up in Santa Fe -- his father was
15 Valentine Martinez, spent three days up on the roof
16 while the prisoners rioted. I have a difficult time
17 separating. I can do it logically, but I have a hard
18 time in my heart separating that out.

19 THE COURT: Now, when you say you don't
20 think you could be fair and impartial, do you think
21 you would be biased in favor of the Government in
22 this case?

23 MR. OLDKNOW: Yes, sir.

24 THE COURT: All right. Thank you,
25 Mr. Oldknow.

1 Mr. Beck, do you have questions?

2 MR. BECK: If the judge in this case
3 instructs you that you are to set aside any bias or
4 prejudice you may have before hearing the evidence
5 and base your decision only on the evidence presented
6 during this trial, could you follow that instruction
7 to base your decision at the end of this trial only
8 on the evidence?

9 MR. OLDKNOW: You know, to the extent that
10 I understand the law -- and I've tried to think about
11 this coming down here, to give you all the most frank
12 answer that I can, this isn't -- I've always liked to
13 believe that I can be rational and I can be logical,
14 that I can piece that out. But I have gone through
15 things in my life that have been as difficult and as
16 prolonged and the colored history of my family with
17 the events around the state pen riot. I can't answer
18 that question, in all honesty. In my heart of
19 hearts, I'm very angry. I've been angry most of my
20 life about this. If it was purely a rational
21 consideration, I'd like to think I could. But again,
22 in good conscience here, in selecting an impartial
23 jury of our peers -- and I would love to serve. I've
24 never served on jury duty my entire life. I've
25 looked forward to this. But I don't think this is

1 the right one for me.

2 MR. BECK: I appreciate that. In some
3 cases it's just not the right juror for the right
4 case. It sounds like you have made a decision that
5 you cannot be fair and impartial in this case.

6 MR. OLDKNOW: You know, again, just to
7 be -- full disclosure, I can't say that I've made a
8 decision. I guess it appears that I can't sit here
9 and stand here and honestly make a decision that
10 concerns me about my ability to be able to make an
11 impartial judgment.

12 MR. BECK: If there is evidence in this
13 case that the prison riots happened before the SNM
14 came together, but there is evidence of the prison
15 riot, could you be fair and impartial sitting on the
16 jury in this case?

17 MR. OLDKNOW: I already believe that there
18 is a causal link between the prison riots and the
19 development of SNM.

20 MR. BECK: I don't want to cut you off.
21 You said earlier -- and I said the judge will
22 instruct you that you'll have to set aside any
23 preconceived notions that you have and base your
24 decision in this case on only the evidence. So
25 assuming that, will you be able to set aside what you

1 think is the causal link between the SNM and the
2 prison riot?

3 MR. OLDKNOW: Again, if it was a rational
4 decision, if what was affecting me was just up in my
5 head, I'd like to believe that I could. This is a
6 lifetime of pain and recovery of what it did to my
7 family. The subtle ways that emotion interferes and
8 guides thinking, no.

9 MR. BECK: I appreciate that. Thank you
10 for sharing that. Thank you.

11 THE COURT: Thank you, Mr. Beck.

12 How about from the defendants? Ms. Duncan?

13 MS. DUNCAN: No, Your Honor.

14 THE COURT: Mr. Villa, Ms. Jacks? If you
15 want to get a little closer.

16 MS. JACKS: I just had trouble seeing when
17 you were talking. I detected that you had a visceral
18 or emotional reaction to some of the questions but I
19 couldn't see, so I'm wondering if that's true.

20 MR. OLDKNOW: Yes, that's true. And I
21 appreciate being able to do this and not having to
22 say it in public.

23 THE COURT: Ms. Jacks, Ms. Bhalla?

24 MR. VILLA: I didn't catch your last name.

25 THE COURT: He's Mr. Oldknow. He's juror

1 10.

2 All right. Thank you, Mr. Oldknow.

3 All right. If you'll stand right here,
4 you'll have to give me your name again.

5 MR. COMPTON: Lawrence Compton.

6 THE COURT: And you're juror number 14;
7 right?

8 MR. COMPTON: Yes.

9 THE COURT: How are you doing today?

10 MR. COMPTON: Fine, thank you.

11 THE COURT: Good. And what have you heard
12 or read about this case?

13 MR. COMPTON: There was an article in the
14 Albuquerque Journal in December that announced that
15 the trial was coming up.

16 THE COURT: Okay.

17 MR. COMPTON: And I knew that was the trial
18 I was being summoned before.

19 THE COURT: Did you read the article?

20 MR. COMPTON: I read the article.

21 THE COURT: Do you recall what you read?

22 MR. COMPTON: I recall that it's about the
23 Sindicato, alleged drug gang, and that all I can
24 really remember is allegedly the defendants, some of
25 them -- I don't know if it was all of them -- there

1 were recordings on taped phone calls or something.

2 THE COURT: Okay.

3 MR. COMPTON: That the crime was allegedly
4 committed, ordering someone to be murdered.

5 THE COURT: Anything else that you recall
6 reading or hearing about this case?

7 MR. COMPTON: Well, it was on the front
8 page of Sunday's newspaper, but I didn't read it.

9 THE COURT: Good for you. Thank you for
10 doing that. So you saw the headline and didn't read
11 it for a while?

12 MR. COMPTON: Right.

13 THE COURT: You didn't read it?

14 MR. COMPTON: Not the one last Sunday.

15 THE COURT: Good for you. Thank you.
16 Anything else you recall reading or hearing about
17 this case?

18 MR. COMPTON: No.

19 THE COURT: Any other details that come to
20 mind?

21 MR. COMPTON: No.

22 THE COURT: All right. You know a little
23 bit about the case that I just described to you and
24 that one article. Is there anything in your head
25 that you think, starting off, would keep you from

1 being fair and impartial to both sides in this case?

2 MR. COMPTON: No.

3 THE COURT: Do you think you could be fair
4 and impartial?

5 MR. COMPTON: Yes.

6 THE COURT: Okay. Mr. Beck?

7 MR. BECK: If in the course of this case
8 the judge instructs you that you are to base your
9 decision at the end of this case on only the evidence
10 presented in this courtroom, can you do that?

11 MR. COMPTON: Yes.

12 THE COURT: All right. Then Ms. Duncan.

13 MS. DUNCAN: Thank you, Your Honor.

14 Mr. Compton, do you recall reading anything
15 about the specific defendants in this case? So when
16 the judge went through the names of the defendants,
17 did that remind you of anything in particular that
18 you read about them in the article?

19 MR. COMPTON: Some or all of them I think
20 are in prison or have been or are currently in
21 prison.

22 MS. DUNCAN: Okay.

23 MR. COMPTON: And so it was ordering
24 someone outside of prison to do the murder. That's
25 all I can remember.

1 MS. DUNCAN: And having read the defendants
2 are in prison at the time, what did you think when
3 you read that?

4 MR. COMPTON: I'm sure they're serious
5 criminals, but I don't recall who was in for what.
6 It was related to this drug gang, is what I think I
7 remember.

8 MS. DUNCAN: And having -- okay. So you
9 said that you thought they were serious criminals.
10 How, if at all, would that affect your ability to
11 consider the evidence in this case?

12 MR. COMPTON: Well, as I filled out in the
13 long questionnaire, I think most of the time,
14 especially in a federal case, I think the prosecution
15 or the evidence is good or is probably correct, but I
16 would certainly want to hear it. I don't think the
17 police are always wrong.

18 MS. DUNCAN: So if I understand you
19 correctly, having read this article and then thought
20 about it, the assumption for you was the defendant
21 must have done something?

22 MR. COMPTON: I wouldn't say "must have."
23 I'd have to listen to the evidence.

24 MS. DUNCAN: So would you say -- what is
25 your thought about, awaiting trial, whether the

1 defendants are guilty or not guilty standing right
2 here?

3 MR. COMPTON: I don't know. I'd have to
4 listen to the evidence.

5 MS. DUNCAN: I have no further questions.

6 THE COURT: Thank you, Ms. Duncan.

7 Ms. Bhalla, do you want to come a little
8 closer?

9 MS. BHALLA: Having read the article and
10 realizing that these people are in prison, it's a
11 gang, there are drugs involved, do you think that
12 that affects your ability to sort of come in here and
13 presume them to be innocent? Do you have a
14 preconceived idea that they must have done something?

15 MR. COMPTON: My bias would probably be
16 someone probably is guilty of something, but you
17 know...

18 MS. BHALLA: Okay. So you're starting out
19 of the gate with that.

20 MR. COMPTON: Yes.

21 MS. BHALLA: Just because you read that in
22 the newspaper?

23 MR. COMPTON: Well, yeah.

24 MS. BHALLA: Okay.

25 MR. COMPTON: To be honest, yeah.

1 MS. BHALLA: And do you think it's going to
2 be hard for you to put that out of your mind?

3 MR. COMPTON: It might be. I've never been
4 on this kind of trial, case before; not something
5 involving murder.

6 MS. BHALLA: You've been on a criminal case
7 before?

8 MR. COMPTON: Once when I lived in Athens,
9 Georgia. It was alleged drug-dealing.

10 MS. BHALLA: Okay. And will that affect
11 your ability to sit on this case? Does that shape
12 your mind?

13 MR. COMPTON: How do you mean?

14 MS. BHALLA: Well, I mean, sitting on a
15 case that involved drugs, reading the article that
16 drugs might be involved in this case, do you have a
17 disposition that might affect your ability?

18 MR. COMPTON: It wasn't a very pleasant
19 experience being on that trial. I voted with
20 everybody else to convict the guy and afterwards I
21 wasn't sure, so I always regretted it. I thought it
22 was pretty heavy-handed going after this man who had
23 drugs on him, that -- it was hard, because it was,
24 like, pressure when you're on a jury, okay, this guy
25 was guilty. By the letter of the law it seems that

1 he was, but I still felt bad about it.

2 MS. BHALLA: Okay. Coming off that
3 experience, do you feel like you'd be able to have
4 your voice be your voice and not feel pressure this
5 time?

6 MR. COMPTON: This time I will try to, yes.
7 I was much younger then. Well, it was a while ago.

8 MS. BHALLA: Okay. So I guess just going
9 back to the original issue that you brought up, given
10 what you've read in the paper, given what you've seen
11 and what you know, you're more inclined to believe
12 that they're guilty right now than to believe they're
13 innocent?

14 MR. COMPTON: Probably.

15 MS. BHALLA: Okay.

16 THE COURT: All right. Thank you, Ms.
17 Bhalla.

18 Mr. Villa.

19 MR. VILLA: Yes, just briefly. Mr.
20 Compton, if you heard some evidence similar to what
21 you read in the paper about this Sindicato, the
22 specific acts that each defendant is being charged
23 with, if you had some doubts or it was a close call,
24 okay, about whether they actually committed the
25 crimes that the Government says they committed,

1 knowing what you read in the paper and maybe hearing
2 some evidence like that, do you think that would
3 affect your ability to vote not guilty if you thought
4 it was a close call if you had some doubt?

5 MR. COMPTON: Whatever, I don't think it
6 would affect my ability, no, because I really didn't
7 read a lot about it. It was just an article.

8 MR. VILLA: So you mentioned some things
9 about this is a federal case and the Government has
10 some evidence?

11 MR. COMPTON: Sure.

12 MR. VILLA: So you're saying when you talk
13 about the specific charges that the defendants are
14 charged with, would hearing evidence about other
15 things they do, such as drug activity or other, like,
16 conspiracies, things that you're not asked to find
17 them guilty of in this case?

18 MR. COMPTON: I know I should, so I will.

19 THE COURT: Ms. Jacks? Mr. Compton, thank
20 you very much. I appreciate it.

21 Ms. Tighe, if you can make your way in
22 here.

23 Y'all are going to have to let Ms. Tighe
24 in. She's got a walker here. Let her get in here.

25 Ms. Tighe, how are you doing today?

1 MS. TIGHE: Okay.

2 THE COURT: Can you tell me what you have
3 heard or read about this case?

4 MS. TIGHE: I saw the article in the
5 Albuquerque Journal yesterday.

6 THE COURT: Did you read it?

7 MS. TIGHE: I read part of it.

8 THE COURT: How much did you read?

9 MS. TIGHE: Probably at least half. I
10 skimmed the rest.

11 THE COURT: Half of it and skimmed the
12 rest?

13 MS. TIGHE: I didn't know what the article
14 was about, so I started reading. Then I realized
15 what it was about. I was, like, that sort of made me
16 feel unable to render a fair verdict on it, if you
17 like. It was just too much influence that I can't
18 render a fair verdict.

19 THE COURT: Let's start with what you read
20 or heard. Can you tell us everything that you
21 remember reading or hearing about the case?

22 MS. TIGHE: What I remember reading, that
23 the case is about this gang that's in prison up in --
24 I'm not sure what prison they're in, but already in
25 prison, and the gang leader ordered the murder of

1 this one person. And I feel like they're certainly
2 capable of doing it. They probably did do it. I
3 don't remember all the rest of the details, but --

4 THE COURT: Do you remember any other
5 details about the article?

6 MS. TIGHE: I didn't read, you know,
7 enough. I skimmed the rest.

8 THE COURT: What is it about it, after
9 reading that much, that makes you think you cannot be
10 fair and impartial?

11 MS. TIGHE: It's the fact that they're
12 already in prison, they've obviously committed
13 crimes, and they're certainly likely to have ordered,
14 you know, the murders of other persons and are
15 involved in other crimes.

16 THE COURT: Okay. Now, I've mentioned
17 twice already that they pled not guilty.

18 MS. TIGHE: I understand.

19 THE COURT: And they're presumed innocent.

20 MS. TIGHE: Yes.

21 THE COURT: Do you think you would be able
22 to presume them innocent?

23 MS. TIGHE: No, sir, I honestly can't.

24 THE COURT: And what I think I heard you
25 say earlier is that you don't think you could be fair

1 and impartial to the parties in this case?

2 MS. TIGHE: Correct.

3 THE COURT: When you say that, do you mean
4 that you would be biased for the Government rather
5 than --

6 MS. TIGHE: Yes, sir I believe I would.

7 THE COURT: You'd already have in your mind
8 that those men are guilty?

9 MS. TIGHE: Yes, sir.

10 THE COURT: Okay.

11 All right. Mr. Beck, do you have questions
12 of Ms. Tighe?

13 MR. BECK: Ms. Tighe, thank you for
14 sharing. I just want to make sure that we're clear
15 that if you are selected for this jury and the judge
16 instructs you that the defendants have the right to
17 be presumed innocent until proven guilty beyond a
18 reasonable doubt that you cannot follow that
19 instruction and presume them innocent; is that right?

20 MS. TIGHE: Correct.

21 THE COURT: Thank you, Mr. Beck.

22 Ms. Duncan?

23 MS. DUNCAN: Nothing further.

24 THE COURT: Ms. Bhalla, Mr. Villa?

25 MR. VILLA: No, Your Honor.

1 THE COURT: Ms. Jacks?

2 MS. JACKS: No, Your Honor.

3 THE COURT: Thank you, Ms. Tighe. I
4 appreciate it.

5 If you'll come right here to this
6 microphone, we'll put you in the middle. Can you
7 remind me of your name?

8 MR. BESSON: Tommie Besson.

9 THE COURT: Do you remember what number you
10 are?

11 MR. BESSON: 16.

12 THE COURT: You're number 16. All right.
13 Mr. Besson, how are you doing today?

14 MR. BESSON: Well.

15 THE COURT: What have you read or heard
16 about the case?

17 MR. BESSON: Primarily I read the article
18 in the Albuquerque Journal yesterday morning about
19 the security concerns.

20 THE COURT: Did you read the whole article?

21 MR. BESSON: Yes, I did.

22 THE COURT: And do you recall what you
23 read?

24 MR. BESSON: It basically explained the
25 charges brought against the defendants and the

1 security concerns that the U.S. Marshals had.

2 THE COURT: Okay. Anything else you
3 remember about the case?

4 MR. BESSON: That's basically it.

5 THE COURT: After reading that article --
6 I've already indicated that these men pled not guilty
7 and that they're presumed innocent. Do you think you
8 could be fair and impartial to the parties in this
9 case, both the Government and the four defendants
10 here?

11 MR. BESSON: I think so.

12 THE COURT: Is there anything about what
13 you read yesterday that you think would influence
14 you? In the course of listening to my instructions
15 and listening to the evidence and, most importantly,
16 at the end deliberating on this, is there anything
17 that you think might be in your mind that would cause
18 you to lean one way or another?

19 MR. BESSON: No.

20 THE COURT: Mr. Beck?

21 MR. BECK: Thank you. Mr. Besson, if in
22 the course of this trial you're selected for the jury
23 and the judge instructs that you're to base your
24 decision only on the evidence presented in court,
25 will you be able to set aside what you may have read

1 in the Albuquerque Journal and base your decision at
2 the end of this only on the evidence presented here
3 in court?

4 MR. BESSON: Yes, I think so.

5 MR. BECK: All right. Nothing further,
6 Your Honor.

7 THE COURT: Ms. Duncan?

8 MR. JEWKES: Your Honor, may I?

9 Mr. Besson, after reading the article
10 yesterday in the Albuquerque Journal, did you think
11 to yourself, These guys are probably guilty of
12 something? Did that cross your mind?

13 MR. BESSON: Well, they have to have been
14 guilty of something, or they wouldn't be
15 incarcerated.

16 MR. JEWKES: Something new?

17 MR. BESSON: No.

18 MR. JEWKES: Did not?

19 MR. BESSON: No.

20 MR. JEWKES: So could you put it aside and
21 judge this case strictly on the evidence you hear
22 from the witness stand?

23 MR. BESSON: Yes.

24 MR. JEWKES: All right.

25 THE COURT: Thank you, Mr. Jewkes.

1 Ms. Duncan?

2 MS. DUNCAN: Thank you.

3 Mr. Besson, did you discuss the article
4 with anyone after you read it?

5 MR. BESSON: I discussed it with my wife.

6 MS. DUNCAN: And what did you discuss with
7 your wife?

8 MR. BESSON: Basically the security
9 concerns.

10 MS. DUNCAN: And why did you discuss those
11 with your wife?

12 MR. BESSON: Because that would affect,
13 potentially, security.

14 MS. DUNCAN: So you had concerns about your
15 security participating in the trial?

16 MR. BESSON: My safety, yes.

17 MS. DUNCAN: So tell me about those
18 concerns.

19 MR. BESSON: I'm concerned that there could
20 be a revenge taken out if the jury came back with a
21 guilty verdict.

22 MS. DUNCAN: And does your wife share that
23 concern?

24 MR. BESSON: Yes.

25 MS. DUNCAN: And is that concern something

1 that would be on your mind as you were hearing
2 evidence in this case?

3 MR. BESSON: No, I don't think so. It
4 would be more of a concern after the trial was over.

5 MS. DUNCAN: And so tell me what in
6 particular raises concern for your safety.

7 MR. BESSON: That there may be other
8 members of this gang, if you will, that are outside
9 of the courthouse that may seek retribution on behalf
10 of the defendants.

11 MS. DUNCAN: And so sitting here today --
12 and then -- so I understand, your concern there might
13 be people outside of the courtroom who might pose a
14 threat to your safety; is that correct?

15 MR. BESSON: Yes.

16 MS. DUNCAN: And I think you said that was
17 primarily at the end of the trial, but do you have a
18 concern today about that?

19 MR. BESSON: No.

20 MS. DUNCAN: And why not?

21 MR. BESSON: I think there's just too many
22 people for them to identify.

23 MS. DUNCAN: What if you're selected as a
24 juror in this case?

25 MR. BESSON: Then it becomes a concern.

1 MS. DUNCAN: No further questions.

2 THE COURT: Thank you, Ms. Duncan.

3 Ms. Bhalla?

4 MS. BHALLA: I missed the last part, so I
5 may repeat. I apologize. You said if you get
6 selected as a juror, your security might be a
7 concern.

8 MR. BESSON: Yes.

9 MS. BHALLA: Okay. Do you think that that
10 would be something that you'd think about when you
11 enter deliberations?

12 MR. BESSON: No.

13 MS. BHALLA: Okay. If it's a concern to
14 you, how are you going to be able to set that out of
15 your mind during deliberations?

16 MR. BESSON: The concern is outside of this
17 court, courthouse.

18 MS. BHALLA: Right. And I guess I'm asking
19 you: How are you going to be able to set that aside,
20 set that concern aside, if you're going to be on the
21 jury?

22 MR. BESSON: I'm going to write to the
23 Court to keep my personal information confidential.

24 MS. BHALLA: Does it -- you're aware that
25 your name's out there?

1 MR. BESSON: Yes.

2 MS. BHALLA: And is that going to be a
3 concern to you?

4 MR. BESSON: No.

5 MS. BHALLA: And I think I'm good. Thank
6 you.

7 THE COURT: Thank you, Ms. Bhalla.

8 Mr. Villa.

9 MR. VILLA: Mr. Besson, can you tell me the
10 specific security concerns that you read about in the
11 article?

12 MR. BESSON: Just that there were concerns
13 about having the U.S. Marshals here in case there was
14 any threats. And the other concern was, I believe
15 the Judge had some concerns about having -- whether
16 the defendants should be in shackles or whatever,
17 that the jury could see.

18 MR. VILLA: Do you remember reading
19 anything else in that article about security
20 concerns?

21 MR. BESSON: That's all I remember.

22 MR. VILLA: Having heard those concerns, do
23 you think that that makes -- slants the way you view
24 the evidence in this case?

25 MR. BESSON: I don't think so.

1 MR. VILLA: Now, you mentioned that you had
2 a concern that maybe there might be retribution and
3 revenge for a guilty verdict?

4 MR. BESSON: Yes.

5 MR. VILLA: You meant retribution towards
6 the jury?

7 MR. BESSON: Yes.

8 MR. VILLA: So if you're in the jury room
9 and you're discussing whether to vote guilty or not
10 guilty for a particular defendant, would those
11 concerns affect your ability to make that decision?

12 MR. BESSON: I don't think so.

13 MR. VILLA: Why not?

14 MR. BESSON: Because inside the jury room
15 we're protected, and we have to render a fair
16 verdict. Outside the courtroom is where I'm
17 concerned for safety.

18 MR. VILLA: Did you discuss with anybody
19 else this article, other than your wife?

20 MR. BESSON: No.

21 MR. VILLA: That's all.

22 THE COURT: Thank you, Mr. Villa.

23 Ms. Jacks. Do you have anything further?

24 MS. JACKS: Good morning, Mr. Besson. I
25 have a few questions. You said that you read the

1 full article in the Albuquerque Journal.

2 MR. BESSON: Yes.

3 MS. JACKS: And do you have any, I guess,
4 opinions about as to whether the defendants sitting
5 here in court are members of the SNM Gang that was
6 discussed in the article?

7 MR. BESSON: I know they've been accused of
8 that, but I don't know for sure.

9 MS. JACKS: And do you have any opinion
10 about why the defendants in court are shackled, based
11 on what you read in the article?

12 MR. BESSON: No. They don't appear to be,
13 from what I've seen.

14 MS. JACKS: And when you saw the article
15 yesterday morning, did you realize that the article
16 was about the case that you were summoned here for
17 today?

18 MR. BESSON: Yes.

19 MS. JACKS: And was that when you first saw
20 the headline?

21 MR. BESSON: Yes.

22 MS. JACKS: And did you go ahead and read
23 the full article anyway?

24 MR. BESSON: I did because of my safety
25 concerns.

1 MS. JACKS: And were you instructed when
2 you filled out the questionnaire to not seek out
3 publicity regarding the case?

4 MR. BESSON: Yes.

5 MS. JACKS: And you recall those
6 instructions?

7 MR. BESSON: Yes.

8 MS. JACKS: And you read the article anyway
9 because you thought your security concerns trump
10 those instructions?

11 MR. BESSON: Yes.

12 MS. JACKS: Thank you.

13 THE COURT: All right. Thank you, Mr.
14 Compton. Appreciate it.

15 MR. BESSON: Besson.

16 THE COURT: I mean Mr. Besson. I'm sorry.
17 You're Mr. Hassell; right?

18 MR. HASSELL: Yes.

19 THE COURT: Mr. Hassell, if you'll stand
20 there. How are you today?

21 MR. HASSELL: I'm fine, thank you, sir.

22 THE COURT: What have you heard or read
23 about this case?

24 MR. HASSELL: In the past I read an
25 article. I can't remember which -- I think it was

1 the Albuquerque Journal. There was nothing real
2 specific. Just basically the same information that
3 you reiterated here. Then I've heard a local radio
4 piece. They ran one this morning on the way down to
5 jury selection.

6 THE COURT: Let's talk about the article
7 that you said you think you may have read in the
8 Albuquerque Journal. Do you recall about when that
9 article was?

10 MR. HASSELL: You know, I really don't. It
11 was before I received the jury summons. I know that.
12 Something that didn't really draw my attention much,
13 but something I read in passing. And my mom lives up
14 in Tome, so for whatever reason, it just interested
15 me. And again, it was a real general article. I
16 don't think there was anything -- I think the gist of
17 it was that -- the same with some of the reports,
18 maybe a little sensationalized. That it's high
19 profile, and these guys are potentially pretty
20 dangerous guys, but otherwise --

21 THE COURT: Do you recall -- we'll stick
22 with the article for a second. Do you recall any
23 details about anything from that article you can
24 think of today?

25 MR. HASSELL: No. I mean, the report that

1 I read was pretty much the same as what I've heard,
2 just generalization about what the case was and what
3 this Sindicato, gang, or whatever it was about.

4 THE COURT: You said you heard one radio
5 report this morning? Is that what you said?

6 MR. HASSELL: Yes.

7 THE COURT: What do you recall it saying?

8 MR. HASSELL: It was that the trial would
9 start today, and that it was a pretty high-profile
10 case, and then they just did kind of a brief summary
11 of what this group is. And I don't think they got
12 into any of the charges, but they made it clear that
13 they were pretty heavy-duty crimes, I guess.

14 THE COURT: And other than that radio
15 report this morning and the article a few months
16 back, do you recall hearing or reading anything about
17 this case?

18 MR. HASSELL: No.

19 THE COURT: Any of the details that you
20 have read or heard stick out in your mind in any way?

21 MR. HASSELL: No, the only thing that
22 sticks out in my mind is, you know, this is kind of
23 an organized group, I guess. I usually read stuff
24 about gangs, they're individual people who have done
25 things. That's the only thing that stuck in my mind,

1 that these guys seem to be more of a collection of
2 people working together as a group, as opposed to one
3 person.

4 THE COURT: Given what you've read or
5 heard, is there anything that you've read or heard
6 that you think would keep you from being impartial
7 and fair to both sides, both the Government and
8 defendants?

9 MR. HASSELL: I don't think it would make a
10 difference. I mean --

11 THE COURT: All right. Mr. Beck?

12 MR. BECK: Mr. Hassell, if the judge
13 instructs you that the defendants are to be presumed
14 innocent until proven guilty, can you follow that
15 instruction and presume them innocent even given what
16 you've read or heard?

17 MR. HASSELL: Yeah, I think so. I mean,
18 I've served on our juries before. I served on a
19 state murder trial and, you know, everybody gets a
20 chance at the law. So yeah, I don't think it would
21 prejudice my opinion.

22 MR. BECK: And do you agree with that law
23 that a defendant has the right to be presumed
24 innocent until proven guilty?

25 MR. HASSELL: Absolutely.

1 MR. BECK: If the judge instructs you, and
2 you're picked for the jury, that you're to set aside
3 anything you may have read or heard about this case,
4 and judge the guilt of each defendant based only on
5 the evidence presented here in court, can you follow
6 that instruction, given what you've read in the
7 article?

8 MR. HASSELL: I believe it's not much
9 different than what I've heard this morning with the
10 judge's remarks, I mean.

11 MR. BECK: Nothing further, Your Honor.

12 THE COURT: Thank you, Mr. Beck.

13 Ms. Duncan.

14 MS. DUNCAN: Thank you, Your Honor.

15 You mentioned that you had listened to the
16 radio and heard a report about this case this
17 morning. Have you heard anything else on the radio
18 about this case?

19 MR. HASSELL: You know, I halfway want to
20 say yes, but I can't definitively remember. I think
21 that there was another report. I listen to the same
22 radio station all the time, and I think it may have
23 been reported once prior. But it definitely was
24 reported this morning. It kind of surprised me,
25 so...

1 MS. DUNCAN: And how about the TV news?
2 Have you ever seen a report about this on TV news?

3 MR. HASSELL: I don't watch much TV. Too
4 busy.

5 MS. DUNCAN: I'm sorry, I was having
6 trouble hearing behind, so I may repeat myself. Does
7 anything in particular stick out to you this morning
8 that you heard on the radio?

9 MR. HASSELL: The only thing that really
10 stuck in my head is that you usually hear these
11 people being indicted for crimes individually. But
12 this is more like a group of people who are
13 associated, more of a -- I guess, what's coming to
14 me -- comes to my mind is, like, the mob or people
15 who are working together, which seems not real
16 common.

17 MS. DUNCAN: And do you remember any
18 specifics about how they are as a group working
19 together? What gave you that impression?

20 MR. HASSELL: The name pretty well says it,
21 New Mexico syndicate. And just the way the report,
22 both written and on the radio, put it together that,
23 wait a minute, they made it pretty clear they were
24 working together. And the fact that they're all
25 being tried together. I mean, it's kind of easy to

1 draw that conclusion.

2 MS. DUNCAN: Do you think if you listen to
3 the evidence in this case you'll be able to put aside
4 what you heard on the radio?

5 MR. HASSELL: Yeah. There's nothing that I
6 heard on the radio that was anything more
7 inflammatory that would change my mind about
8 anything. I mean, it was all pretty basic
9 information.

10 MS. DUNCAN: Thank you, Mr. Hassell.

11 THE COURT: Thank you, Ms. Duncan.
12 Ms. Bhalla?

13 MS. BHALLA: Your Honor, I don't have any
14 questions about what he read in the paper, but I did
15 want to ask him about his farm, if that's okay.

16 THE COURT: Go ahead.

17 MS. BHALLA: You're a pecan farmer?

18 MR. HASSELL: I have pecans, 200 trees, and
19 livestock.

20 MS. BHALLA: So it's your busy season
21 coming up?

22 MR. HASSELL: Yeah. I mean, I have to get
23 all my crops ready to plant now and I'm harvesting my
24 pecans as we speak.

25 MS. BHALLA: Is there anybody who can

1 handle that for you?

2 MR. HASSELL: No.

3 MS. BHALLA: And are you going to be
4 thinking about that if you get selected for the jury?

5 MR. HASSELL: Very much. I mean, it's
6 about a third of my income, and it's my operating
7 income for the farm. So if I can't get my crops in
8 the ground -- and I have livestock. I have pregnant
9 cows and pregnant sheep, and it's just my wife. My
10 dad got ill last year and he died. It was his place,
11 and I took care of it for him. So I don't have
12 anyone at the farm.

13 MS. BHALLA: So is it fair to say that that
14 concern is going to be weighing on your mind when
15 you're trying to pay attention and listen to the
16 evidence in this case?

17 MR. HASSELL: Well, I could probably still
18 listen to the evidence, but it's going to be a real
19 hardship for me. And yeah, it would be a problem.

20 MS. BHALLA: Okay.

21 THE COURT: Thank you, Ms. Bhalla.

22 Mr. Villa?

23 MR. VILLA: Yes, Your Honor.

24 Mr. Hassell, I just want to follow up on
25 that briefly. Is there somebody that could --

1 somebody you could contract with that could help do
2 the job that you normally do?

3 MR. HASSELL: I've only got 11 acres out
4 there, and by the time I pay somebody, I've burned up
5 all of my operating expense. So it's something that
6 I just can't afford to bring somebody in and pay them
7 to take care of it. I have some kids, but they're
8 all working full-time jobs, so they can't come over
9 and help me. They help me bring in my pecan crop but
10 I still have to sort and clean and take them down to
11 sell.

12 MR. VILLA: So hiring somebody, you'll
13 still suffer a financial hardship?

14 MR. HASSELL: I'd end up basically paying
15 them everything I would need for reinvesting back
16 into the farm. The farm is kind of just a
17 self-sustaining thing, and it's something that I do
18 for myself and my family, so...

19 MR. VILLA: Is that your sole source of
20 income for you and your family?

21 MR. HASSELL: No, I have a pension from my
22 retirement, but it does account for about a third of
23 what I need to operate. So...

24 MR. VILLA: A third of your family's
25 income.

1 MR. HASSELL: Yeah, absolutely.

2 MR. VILLA: Okay. I appreciate you sharing
3 that information with us.

4 Let me just follow up briefly about your
5 concerns or what you heard on the radio. And I think
6 you said that you thought it was uncommon or that it
7 was unusual, this is sort of an organized group?

8 MR. HASSELL: Um-hum.

9 MR. VILLA: So if you heard the judge say
10 that the charges in this case -- some of the charges
11 were conspiracy, so the judge will give you
12 instructions on the law of conspiracy, but if you're
13 trying to decide whether one individual defendant was
14 a part of a conspiracy that's charged in this case,
15 would you having thoughts about them being an
16 organized group affect your ability to decide, based
17 on the evidence presented in court, whether one
18 defendant was a member of the conspiracy or not?

19 MR. HASSELL: Well, I don't know if it
20 would affect my decisions or my ability to make that
21 decision. But I mean, it's a little difficult to --
22 I mean, these guys called them a syndicate. It would
23 be a little bit difficult to say, well, you know,
24 it's possible for one person to do something in a
25 group and not be involved with other people. So I

1 could listen to the merits of each individual and
2 probably make a decision based on that.

3 MR. VILLA: So if the group of individuals
4 you heard evidence were members of the syndicate
5 conspired to commit a crime and one or two of the
6 defendants are accused of conspiring to commit that
7 crime, could you set aside your thoughts?

8 MR. HASSELL: I mean, if the evidence
9 showed that these guys weren't involved in whatever
10 the issue was, then, yeah, I'm sure I could.

11 THE COURT: Thank you, Mr. Villa.

12 Mr. Jewkes.

13 MR. JEWKES: Mr. Hassell, you are located
14 in Dona Ana County, Radium Springs?

15 MR. HASSELL: I'm very close. Easy for me
16 to get down here. Doesn't cost the Court much.

17 MR. JEWKES: Is the farm in Sierra or Dona
18 Ana?

19 MR. HASSELL: Dona Ana.

20 THE COURT: Thank you, Mr. Jewkes.

21 Ms. Jacks, do you have anything?

22 Thank you, Mr. Hassell. Appreciate it.

23 Stand closer to the microphone. Remind me
24 of your name.

25 MR. EIFFERT: Dana Eiffert.

1 THE COURT: What juror are you?

2 MR. EIFFERT: 48.

3 THE COURT: So is it Mr. Eiffert? Is that
4 the way you say your name?

5 MR. EIFFERT: Yes, sir.

6 THE COURT: What have you read or heard
7 about this case?

8 MR. EIFFERT: Just, I'm sure, the
9 run-of-the-mill stuff on social media. They had the
10 great big article yesterday in the Journal.

11 THE COURT: Did you read it?

12 MR. EIFFERT: Oh, yeah.

13 THE COURT: From beginning to end?

14 MR. EIFFERT: Oh, yeah. I didn't know if
15 it was going to be a good thing or a bad thing, but I
16 didn't think me being informed would necessarily be a
17 bad thing. I don't know.

18 THE COURT: Okay. You said social media.
19 Can you -- other than the article that came out
20 yesterday, can you recall other instances in which
21 you --

22 MR. EIFFERT: TV. There were a couple of
23 things on Channel 7 over the weekend about the
24 upcoming trial.

25 THE COURT: Channel 7?

1 MR. EIFFERT: Yeah.

2 THE COURT: Anything else that you recall
3 reading or hearing about this case?

4 MR. EIFFERT: No. So fairly limited.

5 THE COURT: So it's mostly this weekend, a
6 couple of television stories on Channel 7, and then
7 the Albuquerque Journal?

8 MR. EIFFERT: Yeah.

9 THE COURT: And you don't recall reading or
10 hearing any other things before this weekend?

11 MR. EIFFERT: Not specifically about the
12 Sindicato.

13 THE COURT: Let's talk about what you
14 recall reading or hearing. What do you recall
15 reading or hearing about this case?

16 MR. EIFFERT: I remember the shackling
17 business, and how you let that go. And then the stun
18 things, that you decided against those. And the
19 other 60 people, I believe, would have been involved
20 in this case, other defendants, have already pleaded
21 guilty. I know the one guy was the leader of the
22 gang. Baca, they said he was. And he was the one
23 that wanted the one guy killed, and I think also the
24 ex-sheriff Darren White, he was out to get him.
25 That's the highlights.

1 THE COURT: Okay. All right. Any other
2 details that kind of stick out in your mind this
3 morning?

4 MR. EIFFERT: Not about what I've heard or
5 read.

6 THE COURT: Is there anything about what
7 you heard or read about this case that you think
8 would keep you from being fair and impartial both to
9 the Government and the four defendants in this case?

10 MR. EIFFERT: In a general sense, all over
11 the news media, New Mexico is in a crime crisis. My
12 best friend was murdered in his own driveway, stabbed
13 to death a year ago. I'm sure you heard about it.
14 The guy in Four Hills. That was my life-long best
15 friend. I'm not inclined to go easy on criminals. I
16 don't like them. Don't like their crimes.

17 THE COURT: Right. Well, you know, nobody
18 has to like criminals and nobody has to like crimes.
19 That's the reason we make illegal certain things and
20 the reason that we have jails and prisons. But -- so
21 you have a right to have those opinions and views.
22 But I guess the question this morning is: Could you
23 put that, thoughts about crimes and criminals, out of
24 your head and just focus on the Government's case
25 against these four defendants? And could you be fair

1 and impartial to both sides in this case?

2 MR. EIFFERT: Honestly, no.

3 THE COURT: Okay. And when you say that,
4 do you think you would be biased in favor of the
5 Government against the defendant?

6 MR. EIFFERT: Absolutely. Yes, sir.

7 THE COURT: You have a prejudice against
8 the defendants?

9 MR. EIFFERT: Sorry.

10 THE COURT: Okay. All right. Well, thank
11 you, Mr. Eiffert.

12 Mr. Beck?

13 MR. BECK: Mr. Eiffert, I just want to make
14 sure we're clear. Thank you for sharing that. Will
15 you be able to follow the judge's instructions to the
16 best of your ability if you're picked for a jury in
17 this case?

18 MR. EIFFERT: That's really hard for me to
19 say.

20 MR. BECK: And why is that hard for you to
21 say?

22 MR. EIFFERT: Because that would come down
23 to what's happening right now, what's being said. I
24 can't promise that I'm going to be impartial.

25 MR. BECK: So it sounds to me like,

1 standing here -- and I appreciate you being candid
2 here -- it sounds to me, standing here today, that
3 you can't commit right now to -- per the judge's
4 instruction, to be impartial.

5 MR. EIFFERT: I mean, I know that's what
6 I'm here for and I have all respect for the judge.
7 And I would try to follow your instructions. Now,
8 whether that would be 100 percent a reality, I can't
9 say that.

10 MR. BECK: Thank you for sharing.

11 THE COURT: Thank you, Mr. Beck.

12 Ms. Duncan.

13 MS. DUNCAN: I don't have anything.

14 THE COURT: Ms. Bhalla?

15 MS. BHALLA: No, Your Honor.

16 THE COURT: Mr. Villa? Ms. Jacks?

17 MS. JACKS: I just have a few questions.
18 Good morning, sir.

19 MR. EIFFERT: Good morning.

20 MS. JACKS: You said you read the paper,
21 the article in the Albuquerque Journal yesterday?

22 MR. EIFFERT: Yes.

23 MS. JACKS: When you saw it, did you
24 realize that was the case that you were summoned for
25 jury service for?

1 MR. EIFFERT: Oh, yeah.

2 MS. JACKS: And you said you read it?

3 MR. EIFFERT: Yes.

4 MS. JACKS: And you went ahead and read the
5 article anyway?

6 MR. EIFFERT: Absolutely.

7 MS. JACKS: Did you recall that you were
8 instructed by the judge to not read the media in the
9 questionnaire that you filled out?

10 MR. EIFFERT: I did not.

11 MS. JACKS: Okay. Did you read that part
12 of the judge's instructions?

13 MR. EIFFERT: If it was in there, I
14 probably read it. Did it register right at the
15 moment when I saw the article? No.

16 MS. JACKS: Why did you read the article?

17 MR. EIFFERT: To know what was going on.

18 MS. JACKS: Okay. Thank you.

19 THE COURT: Thank you, Ms. Jacks.

20 Mr. Eiffert, thank you so much.

21 MR. EIFFERT: Thank you, sir.

22 THE COURT: Why don't you stand right here
23 next to the microphone. Can you remind me of your
24 name?

25 MR. BILLINGS: Eric Billings.

1 THE COURT: Mr. Billings. And what juror
2 number are you?

3 MR. BILLINGS: 40.

4 THE COURT: Number 40. I'll find that on
5 here. All right, Mr. Billings. How are you doing
6 this morning?

7 MR. BILLINGS: Good, sir.

8 THE COURT: All right. What do you recall
9 reading and hearing about this case?

10 MR. BILLINGS: There was an ongoing FBI
11 case for the last three years, and it involved four
12 individuals that belonged to a gang. There might
13 have been cartel ties along with that. There was
14 letters sent out to wardens or a certain individual
15 who knew about what was going to happen and what was
16 going on and stuff. It was just tidbits of pieces of
17 information, things you get.

18 THE COURT: Do you recall when you got
19 these tidbits of information?

20 MR. BILLINGS: Last week and this weekend.

21 THE COURT: Okay. What sources did you get
22 this information from?

23 MR. BILLINGS: Just the news feeds on your
24 smart phone. Those things pop up and you see them.

25 THE COURT: So it was mostly stuff on your

1 phone?

2 MR. BILLINGS: Yes, sir.

3 THE COURT: You don't recall anything else,
4 any other source, other than your phone?

5 MR. BILLINGS: No, sir.

6 THE COURT: And were they just -- is all
7 you were seeing was just little blurbs that came up?

8 MR. BILLINGS: Usually you swipe over and
9 you can read the whole article, you know. Some of
10 the higher newsworthy items you touch and you pretty
11 much see and give them a read, and then you hear
12 something, and I heard something.

13 THE COURT: You heard something this
14 morning?

15 MR. BILLINGS: Coming in here this morning
16 after reading those, then I kind of knew.

17 THE COURT: Oh, you knew what you were
18 coming in for?

19 MR. BILLINGS: Yeah.

20 THE COURT: When you saw those little
21 things come up on your phone, did you press them and
22 then read the articles?

23 MR. BILLINGS: Yes, yeah.

24 THE COURT: Did you read the articles
25 entirely?

1 MR. BILLINGS: Not the whole article, no.

2 THE COURT: So the limit of your
3 information is what you've learned this weekend? Is
4 that fair to say?

5 MR. BILLINGS: Yes.

6 THE COURT: Did you know anything about
7 this case before this weekend?

8 MR. BILLINGS: No.

9 THE COURT: Okay. All right. It sounds
10 like everything that you know you read, because you
11 were looking at it on your phone, not hearing
12 anything. Am I correct?

13 MR. BILLINGS: Correct.

14 THE COURT: Okay. Can you tell me what you
15 remember reading about this case?

16 MR. BILLINGS: Just that it involved four
17 individuals. The FBI -- that they were investigating
18 for over a few years. And there was -- I don't know
19 how to word it -- I think the word is like something
20 sent off to you, like a hit list sent out on a
21 certain individual, and something like that. They
22 were able to gain evidence proving that a letter had
23 gone out to one of the individuals that were being
24 charged, and that was basically the most that I got
25 out of it.

1 THE COURT: And did any particular detail
2 or part of the story stick in your mind the most or
3 come to the forefront?

4 MR. BILLINGS: No. It was a gang, a
5 leader. He was the one that sent it out.

6 THE COURT: Given what you have read about
7 this case and learned about it, do you think that
8 there is anything that's in your head right at the
9 moment that would keep you from being fair and
10 impartial to the parties in this case?

11 MR. BILLINGS: Possibly. I mean --

12 THE COURT: Tell me how that would play
13 out. When you say that information possibly could
14 keep you from being fair and impartial, how do you
15 think it would play out?

16 MR. BILLINGS: To me, if someone is
17 pursuing -- as the FBI finding evidence on people who
18 are incarcerated, it leads me to have more bias
19 towards the FBI than the individuals, because of
20 just -- it would lead me to that, to be more biased
21 to the FBI than the individuals, to be fair.

22 THE COURT: You've heard people talking
23 about the presumption of innocence, the fact that
24 these four men are presumed innocent. Do you think,
25 given what you read about the case, would you not be

1 able to presume that they are innocent?

2 MR. BILLINGS: No.

3 THE COURT: I probably didn't ask that a
4 good way. So you're telling me that you could not
5 presume them innocent?

6 MR. BILLINGS: No.

7 THE COURT: And so you would be, I think
8 what you said, biased toward the FBI right at this
9 moment, even though there has not been any evidence
10 you would think the FBI -- you'd be on their side or
11 you would be thinking that they have concluded that
12 these men are guilty and that would influence your
13 thinking?

14 MR. BILLINGS: Yes, sir.

15 THE COURT: All right. Mr. Beck.

16 MR. BECK: Thank you for sharing,
17 Mr. Billings. Will you be able to -- if you're
18 selected for the jury, will you be able to follow the
19 instructions that the judge gives you throughout this
20 case?

21 MR. BILLINGS: Yes.

22 MR. BECK: And if one of those instructions
23 is that you're to judge these four men's guilt based
24 only on the evidence presented here in court and not
25 based on anything you may have read or preconceived

1 notions you may have had, can you follow that
2 instruction from the judge?

3 MR. BILLINGS: Yes.

4 MR. BECK: Now, if the judge instructs you
5 that the defendants, these four men, are to be
6 presumed innocent until the United States proves with
7 that evidence their guilt beyond a reasonable doubt,
8 can you follow that instruction?

9 MR. BILLINGS: Yeah.

10 MR. BECK: And I think you said earlier
11 that you'd have a hard time presuming these men
12 innocent, and I just want to make sure that we're
13 clear on that. If the judge instructs you that as a
14 juror you must presume them innocent, it's their
15 constitutional right, is that an instruction you can
16 follow?

17 MR. BILLINGS: To me, yes and no, because
18 they are incarcerated once already, and it happened
19 while they're incarcerated. Then their rights -- to
20 me, it feels like they shouldn't have that right. I
21 mean, that's just a personal feeling, but if they are
22 already incarcerated, they should have no rights as a
23 citizen, if they've already been tried once.

24 MR. BECK: And I just want to make sure I'm
25 clear. Thank you for being candid. It sounds to me

1 like because you believe that these men have been
2 incarcerated before, that you believe that based on
3 what you've read, it sounds to me like you believe
4 that they should not have the right to be presumed
5 innocent; is that true?

6 MR. BILLINGS: Yes.

7 MR. BECK: And so even though you may be
8 able to follow many of the judge's instructions, it
9 sounds to me like based on what you've read -- and
10 I'm not -- I don't mean to be disrespectful, but it
11 sounds to me like you wouldn't be able to follow the
12 judge's instruction to presume these four men
13 innocent?

14 MR. BILLINGS: Yes.

15 MR. BECK: It sounds to me like you
16 probably wouldn't be a good juror to sit on this
17 case; is that right?

18 MR. BILLINGS: That would be fair, yes.

19 MR. BECK: Nothing further.

20 THE COURT: Thank you, Mr. Beck.

21 MS. DUNCAN: I have nothing.

22 THE COURT: Ms. Bhalla?

23 MS. BHALLA: Just quickly here, when you
24 said that you've got the news on your phone, did it
25 come in like from CNN, or it was just news?

1 MR. BILLINGS: Just news.

2 MS. BHALLA: Breaking news?

3 MR. BILLINGS: Yes.

4 MS. BHALLA: That's all.

5 THE COURT: Ms. Duncan?

6 MS. DUNCAN: Did you discuss what you had
7 read with any of the other jurors this morning?

8 MR. BILLINGS: No, I did not.

9 MS. DUNCAN: Thank you.

10 THE COURT: Mr. Villa?

11 MR. VILLA: Nothing.

12 THE COURT: Ms. Jacks?

13 MS. JACKS: No, Your Honor.

14 THE COURT: Thank you, Mr. Billings. I
15 appreciate it.

16 Just stand right here. We'll get you on
17 here. Would you remind me your name?

18 MR. RODRIGUEZ: Pedro Rodriguez.

19 THE COURT: What number are you?

20 MR. RODRIGUEZ: 30, I believe.

21 THE COURT: 30?

22 MR. RODRIGUEZ: 3, 0.

23 THE COURT: All right. And Mr. Rodriguez,
24 what have you heard or read about this case?

25 MR. RODRIGUEZ: My wife was briefly

1 appointed to this case, I believe, and then she
2 realized that there was a conflict of interest, so
3 she was DQ'd immediately. She even knows -- she
4 didn't talk any specifics about the case. She did
5 talk about the defense and how much resources they
6 have to gather and plan, and just mundane stuff about
7 practice.

8 THE COURT: Your wife is Angelica Hall?

9 MR. RODRIGUEZ: Yes, sir.

10 THE COURT: And do you recall anything
11 specifically she said about this case?

12 MR. RODRIGUEZ: I recall that one of the
13 staff of the jail was fearing for his life, and that
14 he had put extra security for his own safety. The
15 only thing I recall was financing stuff, like getting
16 vouchers in. The other thing was experts, scheduling
17 software experts, and they were trying to get experts
18 to line up for interviews, and all these things. I
19 mean, she was briefly appointed to the case, and I
20 think she was DQ'd.

21 THE COURT: Other than from your wife, have
22 you read or heard anything about this case?

23 MR. RODRIGUEZ: No.

24 THE COURT: And I understand the mechanics
25 of, like, getting experts and CJA vouchers and those

1 sort of things. Do you know anything -- did she talk
2 to you anything about the facts or evidence or
3 anything like that?

4 MR. RODRIGUEZ: She did not mention
5 specifics about the case in particular. No
6 witnesses, no defendant names, or anything like that.
7 She would talk about the attorneys that might
8 potentially be in the case within the defense
9 community. I think John Samore is one of them. I
10 have to disclose to the Court and the parties
11 involved that he was at our wedding. I think the
12 other was Amy Sirignano. I know her on a personal
13 level. I did some short paralegal legal work for
14 her, but that was actually before she left the state
15 and came back from Texas again. So it was a while
16 back.

17 THE COURT: So it was before she left the
18 state?

19 MR. RODRIGUEZ: Right.

20 THE COURT: Is there anything about what
21 you have heard from your wife about this case that
22 you think would keep you from being fair and
23 impartial to both sides in this case?

24 MR. RODRIGUEZ: No, not in particular. I
25 mean, like you said, this is a duty for all of us

1 citizens, so I'll do my best to maintain partiality.

2 THE COURT: And you said, "Not in
3 particular." How about at a general level? Is there
4 anything that you think would keep you from being
5 fair and impartial to the parties in this case?

6 MR. RODRIGUEZ: I think I heard from a few
7 people here that, you know, they took away the death
8 penalty charge, and I personally just don't believe
9 in it. So...

10 THE COURT: You're correct. There is no
11 death -- this isn't a death penalty case.

12 MR. RODRIGUEZ: That was my only concern.

13 THE COURT: So given that this isn't a
14 death penalty case, do you see any reason why you
15 couldn't be fair and impartial to both sides in this
16 case?

17 MR. RODRIGUEZ: No.

18 THE COURT: All right. Mr. Beck.

19 MR. BECK: Mr. Rodriguez.

20 MR. RODRIGUEZ: Yes.

21 MR. BECK: Do you know to whom your wife,
22 Ms. Hall, was appointed?

23 MR. RODRIGUEZ: It was Michael Davis, and I
24 think he also got DQ'd.

25 MR. BECK: So she was working with Michael

1 Davis?

2 MR. RODRIGUEZ: Yes. And from all I heard,
3 he got DQ'd because he must have found out he had a
4 conflict of interest.

5 MR. BECK: Did he mention any other
6 attorney's name? Did she mention any other
7 attorney's name that was working --

8 MR. RODRIGUEZ: No, just the ones that I
9 mentioned just now.

10 MR. BECK: It sounds like your wife is a
11 criminal defense lawyer --

12 MR. RODRIGUEZ: Yes, sir.

13 MR. BECK: -- on the CJA panel. Do you
14 think with your wife being a defense lawyer that
15 slants your bias or your prejudice in any way towards
16 the defense or the prosecution?

17 MR. RODRIGUEZ: I mean, I have friends,
18 mutual friends, that also are prosecutors. So there
19 is always a discussion on many levels on that. So,
20 you know, I take both sides into consideration.

21 MR. BECK: Do you know, was your wife
22 working with Mr. Davis, or was she going to replace
23 Mr. Davis?

24 MR. RODRIGUEZ: No, she was -- I think she
25 was second chair. She was research, writing, and

1 witnesses.

2 MR. BECK: On this case at some point?

3 MR. RODRIGUEZ: Yeah. I can't give you an
4 exact time line because I didn't keep track of it
5 until I got the letter in the mail. But I think it
6 must have been like a month's time, maybe a little
7 more.

8 MR. BECK: For a month or more, your
9 wife --

10 MR. RODRIGUEZ: Yes.

11 MR. BECK: But was she -- she was actually
12 paid for the work on this case?

13 MR. RODRIGUEZ: I'm not sure. That's
14 something I don't know.

15 MR. BECK: And as far as you recall, she
16 didn't mention anything to you about the facts of the
17 case and --

18 MR. RODRIGUEZ: No, not in particular. I
19 also have to disclose that I volunteer so I go to the
20 CLEs and to their gatherings afterwards. Attorneys
21 do talk, but as far as I've been in that situation
22 where -- we did not discuss or I did not hear any
23 specific facts, particularly the defendants and that
24 sort of thing.

25 THE COURT: Thank you, Mr. Beck.

1 Ms. Duncan.

2 MS. DUNCAN: Nothing, Your Honor.

3 THE COURT: Ms. Bhalla.

4 MS. BHALLA: No, Your Honor.

5 THE COURT: How about you, Mr. Villa?

6 MR. VILLA: No.

7 THE COURT: Ms. Jacks?

8 MS. JACKS: No, Your Honor.

9 THE COURT: Thank you, Mr. Rodriguez.

10 (The following proceedings were held in
11 open court.)

12 THE COURT: All right. Let me ask anyone
13 else that's been sitting there, has any member of the
14 panel heard or read anything about the case that we
15 haven't already discussed here at the bench?

16 All right. I know a lot of you haven't
17 gotten to participate here, but I do think we need to
18 probably take a break. I'm going to have to be very
19 careful with Ms. Bean, my court reporter. Even
20 though we haven't gotten to a lot of you, I do think
21 that we had better take a break, because we've been
22 up here at the bench a while.

23 We're going to be taking the first break.
24 The trial hasn't started, but we are taking kind of
25 the first break during the voir dire. And I want to

1 tell you a few things that are especially important,
2 and I'll be reminding you as we go throughout the day
3 on these. You'll probably get tired of me saying
4 them. It shows how important they are.

5 Until the trial is completed -- it hasn't
6 even started -- you're not to discuss the case with
7 anyone, whether it's members of your family, people
8 involved in the trial, or anyone else. And that
9 includes your fellow jurors. So when you leave here,
10 talk about something else, like who is going to win
11 the Super Bowl this week, or how cool the judge is,
12 or something like that. But don't talk about this
13 case. Okay? We really don't need you to do that.

14 If anyone approaches you and tries to
15 discuss the trial with you, please let me know about
16 it immediately. Also, you must not read or listen to
17 any news reports of the trial. Don't walk out of
18 here and get on the internet or your phone and do
19 research for purposes of this case. Don't do that,
20 please.

21 And finally, remember that you must not
22 talk about anything with any person who is at the
23 table. I know we haven't gotten to the point of
24 introducing them, but take a look at them right now
25 and make sure that you kind of look at them, and then

1 don't talk to them. So if you see them in the hall
2 or in the elevator or something like that and they
3 don't look at you and they don't speak to you,
4 they're not being rude. They're doing what I told
5 them to do, and that's not have contact with the
6 jurors. So just respect that, and they're just doing
7 what they're told.

8 If you need to speak with me about
9 anything, simply give a note to one of the court
10 security officers, the men and women that have the
11 blue jackets on, or Ms. Wild or Ms. Standridge here,
12 and they'll get it to me. Again, I'll try not to
13 repeat these every time we take a break, but do keep
14 them in mind because they're very important as we try
15 to get this trial together.

16 Everyone has to leave the courtroom. So
17 it's not that you can stay. Everyone has to leave
18 the courtroom, and we'll let you know when to come
19 back in. So when you're done walking around a little
20 bit or using the restroom, line up outside. Don't
21 come in until we come get you. When you come back
22 in, please go back to the seat you're in now.
23 Because of the seating chart, that's very important,
24 because it will help me and help the lawyers in a
25 little bit in asking you questions.

1 All right. We'll be in recess for about 15
2 minutes. All rise.

3 (Venire panel left).

4 THE COURT: All right. Do we have all the
5 jurors out? Anything we need to discuss before we
6 take our leave. All right. See y'all in about 15
7 minutes.

8 (The Court stood in recess.)

9 THE COURT: All right. Do I have all the
10 defendants? All right. We're going to start
11 bringing the jury in. All rise.

12 (Venire panel entered the courtroom).

13 THE COURT: Well, you're already one of my
14 favorite venires. You all came back. Thank you very
15 much. Everyone be seated.

16 Let me just pick up, in case anybody was
17 thinking about it over the break. Has any member of
18 the panel heard or read anything about the case that
19 we haven't already discussed at the bench?

20 All right. Ms. Moore. If you'd come up
21 here, I'm going to have the lawyers come up here.
22 There is a question or two off your questionnaire I
23 want to ask you about.

24 (The following proceedings were held at the
25 bench.)

1 THE COURT: In your questionnaire, you had
2 a lot of stuff you had seen about the SNM Gang. You
3 had a lot of detail about --

4 MS. MOORE: I'm a former teacher. I write
5 a lot. Yeah, I'm a note-taker.

6 THE COURT: That's fine, but you haven't
7 heard or read anything about this case; is that
8 right?

9 MS. MOORE: Not this case. I do watch the
10 news every day because we're retired and I'm
11 educated. I watch the news.

12 THE COURT: But this particular case?

13 MS. MOORE: No.

14 THE COURT: You've got a lot of information
15 about SNM. You did have a lot of things that you
16 remembered. Is there anything about what you
17 remember that you put in your questionnaire that you
18 think would keep you from being fair and impartial to
19 the parties in this case?

20 MS. MOORE: I can't remember exactly what I
21 wrote. I just -- I think it's a horrific thing that
22 occurred. I remember when those murders were. I
23 think it was late '80s, you know. A lot of people
24 were killed. Then I moved away. I came back 16
25 years ago. I live in rural New Mexico. I'm aware of

1 gangs. I don't know these particular men. I have
2 seen, you know, whatever you see on TV.

3 THE COURT: When you say "back in the
4 '80s," are you talking about the prison riot?

5 MS. MOORE: Yes, where people were
6 murdered.

7 THE COURT: You might hear that a little
8 bit in this trial, but it's not really what this
9 trial is about. The lawyers can correct me if they
10 think I'm not stating it correctly.

11 MS. MOORE: All right.

12 THE COURT: It's kind of hard to live in
13 New Mexico and not hear about gangs from time to
14 time, but is there anything you know in general about
15 the prison riot or gangs in New Mexico that you --
16 you think you could be fair and impartial?

17 MS. MOORE: I would try to be.

18 THE COURT: Is there anything in your mind
19 right at the moment that you think would keep you --

20 MS. MOORE: I've been thinking about this
21 since November. I'm sad to know this occurs, but --
22 and I worry about the poor people that are going, "I
23 couldn't help but join up with a gang because I
24 thought I was going to get killed."

25 THE COURT: Sure.

1 MS. MOORE: And I think, What would I do?
2 And then everybody says, Well, they're in jail
3 because they were a bad guy. But just because you're
4 a bad guy doesn't make you a worse guy. I'm on the
5 line, and I'm a -- but I wrote maybe too much. I
6 wanted to be clear.

7 THE COURT: These four men over there,
8 could you start this case by presuming them
9 innocent --

10 MS. MOORE: Oh, yes.

11 THE COURT: -- the Government has a burden
12 of proving beyond a reasonable doubt everything in
13 their case?

14 MS. MOORE: Yes.

15 THE COURT: Do you think right at the
16 moment could you start --

17 MS. MOORE: I would.

18 THE COURT: And you'd presume them
19 innocent?

20 MS. MOORE: Yes, because --

21 THE COURT: They haven't done anything yet?

22 MS. MOORE: I know they've done something
23 before, because they were in prison.

24 THE COURT: Okay. But other than that?

25 MS. MOORE: Yes. Sorry.

1 THE COURT: At least for that, you would
2 wait to hear the evidence?

3 A. Oh, yeah, yeah. Because I have lived
4 overseas and I am proud to be a citizen. I really
5 don't want to do six weeks of my life --

6 THE COURT: I understand.

7 MS. MOORE: -- but I will if I need to.
8 Because once again, I put myself in those shoes.
9 What if no one serves ever? Well, hello, you know,
10 so...

11 THE COURT: So you think --

12 MS. MOORE: I'm trying be honest and fair.

13 THE COURT: You think you could be fair and
14 impartial?

15 MS. MOORE: I would.

16 THE COURT: Mr. Beck?

17 MS. MOORE: That's all I can say is, I'll
18 try.

19 THE COURT: Mr. Beck is first.

20 MR. BECK: Ms. Moore, thank you for sharing
21 that, and thank you for being candid. We just need
22 to know with a little bit of certainty, will you be
23 able to follow the judge's instructions if he gives
24 them and you're picked on the jury in this case?

25 MS. MOORE: I will try.

1 MR. BECK: And if those instructions
2 include that these four men, as you said, are
3 presumed innocent until proven guilty beyond a
4 reasonable doubt --

5 MS. MOORE: Of this particular crime?

6 MR. BECK: That's right.

7 MS. MOORE: That's what we're judging here.

8 MR. BECK: That's right. Would you be able
9 to set aside what you may think about these men's
10 past and just judge them in this case based on the
11 evidence presented in this courtroom?

12 MS. MOORE: I would have to, because that's
13 what we're discussing here.

14 MR. BECK: And you would be able to do that
15 and follow that instruction faithfully?

16 MS. MOORE: I'll try. That's --

17 MR. BECK: I think that's all I have.

18 THE COURT: Ms. Duncan, do you have
19 questions?

20 MS. DUNCAN: I do. Ms. Moore, the judge
21 was talking about the presumption of evidence and
22 whether you'd accord it to the defendant, and you
23 said you'd try.

24 MS. MOORE: Of course.

25 MS. DUNCAN: Do you have any hesitation

1 about being able to presume defendants innocent in
2 this case?

3 MS. MOORE: I don't know what you mean by
4 being able. Yes, I am aware that from what I know
5 about this case, I understand this occurred inside
6 the prison. And if it did, that meant everybody in
7 there was in there for a reason. And of course,
8 that's in my mind. If they did something, if they
9 say they did something they really didn't do, maybe
10 they didn't do it.

11 MS. DUNCAN: So do you think when you're
12 considering the evidence against these defendants,
13 would it weigh on your mind that they had been in
14 prison before for something?

15 MS. MOORE: I don't understand the word
16 "weigh." I would know it, but I would try to just
17 look at this particular case.

18 MS. DUNCAN: And so I guess my question to
19 you is: You said that you could try. Can you 100
20 percent guarantee us that you will be able to presume
21 these men innocent of the charges against them?

22 MS. MOORE: Sure, yeah. That's their right
23 as citizens.

24 MS. DUNCAN: I guess one of my questions
25 is: The difference between their right as a citizen

1 and a rule to follow in a particular case. So my
2 question to you is -- and I know --

3 MS. MOORE: I can't tell you till I hear
4 everything. I will do my best, is all I can tell
5 you.

6 MS. DUNCAN: Do you have concerns, though,
7 based on what you've read or understand about this
8 case?

9 MS. MOORE: I've not read very much.

10 MS. DUNCAN: How about what you understand
11 about or believe about these men having been in
12 prison before?

13 MS. MOORE: The only example I can give --
14 and I'm showing my age here -- I read The Innocent
15 Man. That poor guy was in prison for wrong -- it's a
16 totally different case, but we can't -- we've got to,
17 you know, presume innocent until proven guilty, you
18 know. I don't know these four people.

19 MS. DUNCAN: And thank you. I don't mean
20 to push you. I'm trying to understand what you're
21 saying.

22 MS. MOORE: I mean, you can't help but --
23 I've been around for 64 years. I have a past. I do
24 know, you know -- I know about gangs. I was raised
25 in a little small town, predominantly Hispanic. I

1 know about young boys and macho and, you know, but --

2 MS. DUNCAN: I understand.

3 MS. MOORE: It's hard to -- I'll just do my
4 best, is all I can tell you.

5 MS. DUNCAN: Sounds like you have a
6 lifetime of experiences that form your opinions about
7 things; is that correct?

8 MS. MOORE: Well, like I told the judge, I
9 did live abroad for a while. I traveled extensively.
10 I like to think of myself as open-minded. I have gay
11 friends, I have Hispanic friends.

12 MS. DUNCAN: Thank you.

13 MS. MOORE: I don't know --

14 MS. DUNCAN: No, you're answering my
15 questions.

16 MS. MOORE: I just can't promise, but you
17 can't help but carry your past experiences, and I
18 must admit I hate tattoos. I don't like piercings,
19 but I mean, you know --

20 MS. DUNCAN: So if you were to hear
21 evidence that the defendants in this case are
22 tattooed --

23 MS. MOORE: I'm sure they are, yeah.

24 MS. DUNCAN: -- would that influence how
25 you view them or the evidence in this case?

1 MS. MOORE: I hope I would just look at the
2 evidence, because I also know people that are good
3 people with tattoos. It's kind of the in thing now,
4 and it's big in gangs, I know.

5 MS. DUNCAN: So I know on your
6 questionnaire, you talked about --

7 MS. MOORE: Too prolific I guess.

8 MS. DUNCAN: We love it when jurors are
9 prolific.

10 MS. MOORE: It's the school teacher in me.

11 MS. DUNCAN: You wrote specifically about
12 the tattoos and seeing the initials that reminded you
13 of some articles that you had read?

14 MS. MOORE: Yeah.

15 MS. DUNCAN: Can you tell us more about
16 that, what you read?

17 MS. MOORE: It's probably a documentary
18 type of thing, and I can't even remember the name,
19 but there are things that -- I'm a big PBS watcher.
20 I don't think it was on PBS, but yeah, there are
21 documentaries on what's going on.

22 And when we lived in Texas, I toured the
23 Hartsville prison. You know, a vivid memory I have
24 in England was the prisons of -- I don't recollect
25 where they -- I'll never forget my son, "Oh, my gosh,

1 they killed that man because he was a Catholic." You
2 know, life experiences about prisons and gangs.

3 MS. DUNCAN: And do you recall there's
4 something that stood out to you about the tattoos?

5 MS. MOORE: Well, it's just if I'm walking
6 down a street and someone is a male, tattooed, and
7 they look weird, I'll walk on the other side if I'm
8 alone. I'm aware of my surroundings.

9 MS. DUNCAN: So when you see someone that
10 has tattoos, it causes you concern?

11 MS. MOORE: Yeah, and I have friends that
12 are noncriminals that have tons of tattoos. I
13 just -- a lot of criminals do have them.

14 MS. DUNCAN: Thank you. No further
15 questions.

16 THE COURT: Thank you, Ms. Duncan.

17 Ms. Bhalla?

18 MS. BHALLA: Given that you've read the
19 articles that you've read and experience with the
20 gangs you've seen, the tattoos --

21 MS. MOORE: Not direct. I'm just a reader.
22 I'm a teacher. I read all the time.

23 MS. BHALLA: Right. Are you going to be
24 able to put all that stuff aside and just take the
25 case as it comes without bringing your personal

1 experiences into it?

2 MS. MOORE: I've never met with a gang
3 member one-on-one, so I hardly call that personal.
4 But yes, I have read some of the stuff, and I don't
5 know, I am sure I'll go, "Hum," you know.

6 MS. BHALLA: Does your knowledge give you
7 hesitation that you will be able to put aside -- do
8 you think you'll be able to forget what you've read,
9 so to speak, and judge the facts based on what's
10 presented before you in the next six weeks?

11 MS. MOORE: All I can do is try. My real
12 good friend that lives in Bosque Farms -- her son is
13 an undercover officer. The first time I met him, oh,
14 my God, covered in tattoos. You ought to see him in
15 disguise. He is a wonderful man. The tattoo -- if
16 that's the only thing, I don't care what they look
17 like. Is that what you're asking me?

18 MS. BHALLA: No. It's just you said sort
19 of -- you said you read a lot.

20 MS. MOORE: I'm a reader. I have two
21 degrees. I like to read.

22 MS. BHALLA: That's good. There is nothing
23 wrong that -- I'm saying, you indicated that you
24 you've had life experience.

25 MS. MOORE: I'm old.

1 MS. BHALLA: And what I'm asking you is if
2 you're able to put that stuff aside and forget what
3 you've read and forget what you've learned, and when
4 you process the evidence in this case, when you
5 analyze the evidence in this case --

6 MS. MOORE: I don't know. I could just say
7 I can try. I think it's impossible to forget your
8 life experiences.

9 MS. BHALLA: Okay.

10 THE COURT: All right. Thank you, Ms.
11 Bhalla.

12 Mr. Villa.

13 MR. VILLA: Yes.

14 MS. MOORE: Okay. Sorry. I feel like --

15 THE COURT: I didn't cut you off, did I,
16 Ms. Bhalla?

17 MS. BHALLA: No, Your Honor.

18 THE COURT: Mr. Villa.

19 MR. VILLA: Good afternoon. You talked a
20 little bit about your feelings on tattoos and you
21 talked a little bit now about gangs and things like
22 that. So let me ask you a question. If you saw
23 evidence that the individuals in this case had
24 tattoos --

25 MS. MOORE: Yeah.

1 MR. VILLA: -- a lot of tattoos and heard
2 evidence they might be part of the gangs and you hear
3 in evidence that other parts of this gang committed a
4 crime --

5 MS. MOORE: Yes.

6 MR. VILLA: -- and the Government is asking
7 you to decide whether they're guilty of being part of
8 a conspiracy, does the fact that they might be gang
9 members who might have a lot of tattoos -- would that
10 influence your decision-making about whether they're
11 guilty of this conspiracy?

12 MS. MOORE: Possibly, yeah. I mean, are
13 they admitting they are part of the gang?

14 MR. VILLA: Well, I'm just suggesting if
15 you hear evidence that they might be part of the
16 gang --

17 MS. MOORE: Yeah.

18 MR. VILLA: You hear or see evidence that
19 they have tattoos --

20 MS. MOORE: That's a separate issue.

21 MR. VILLA: Another part?

22 MS. MOORE: But what is it -- if they have
23 that on them, that means they're part of a gang.

24 MR. VILLA: Okay. So I'm going to ask you
25 if you hear another group of the gang, not these

1 people, men, commit a crime, you're asked to decide
2 whether these men were part of that crime --

3 MS. MOORE: Yes.

4 MR. VILLA: -- does the fact that they may
5 be part of the gang, maybe they have tattoos -- does
6 that influence your decision making, whether they're
7 guilty?

8 MS. MOORE: I think I answered that
9 question.

10 MR. VILLA: If you did, I'm sorry --

11 MS. MOORE: I'm just trying to phrase it
12 another way. Because I think if you join up in a
13 gang, you have all these pressures. Maybe they were
14 pressured into doing this for fear of their life and
15 they didn't do this whatever because -- I don't
16 know -- snitches and all that stuff. I'm just
17 totally -- I'm willing to be open to believing them
18 if they really didn't do it. But they're going to
19 have to prove to me they really didn't do it.

20 MR. VILLA: So the judge is going to
21 instruct on the law, and he's going to instruct that
22 it's the Government's burden to prove that they did
23 do it; not the defendants' to prove that they didn't.

24 MS. MOORE: All right.

25 MR. VILLA: Maybe if you hear evidence that

1 they were part of the gang, they should have the
2 burden of having to prove to you that they didn't do
3 it, the defendants?

4 MS. MOORE: Well, I don't know. I guess if
5 I was a defendant, I would want to prove I didn't do
6 it. But then, really, you know, if you're a snitch
7 in jail, man, they're tough on you, so I might not be
8 able to prove I didn't do it without, you know,
9 repercussions while I'm serving my time.

10 MR. VILLA: The question put in your
11 shoes -- the shoes of the defendant, putting your
12 shoes in the shoes of a jury and you're on the jury
13 and you're being instructed that it's the
14 Government's burden to prove the defendant is guilty,
15 it's not the defendants' burden to prove that they're
16 not guilty, would the fact that they might be in a
17 gang or have tattoos affect your ability to do that
18 and listen to the instructions?

19 MS. MOORE: Okay, what you're telling me is
20 I'm going to listen to the Government that says,
21 "Blah, blah, blah did this," and they're going to
22 have to prove to me that he did do that and I won't
23 worry about the guys? Yeah, I can listen to that.

24 MR. VILLA: That's all my questions.

25 THE COURT: Thank you, Mr. Villa.

1 Mr. Jewkes, did you have something?

2 MS. JEWKES: No, I just wanted
3 clarification of her name and number.

4 MR. VILLA: Number 1. I didn't have to
5 write it down. It was an easy number.

6 THE COURT: Thank you, Ms. Moore.
7 Appreciate it.

8 (The following proceedings were held in
9 open court.)

10 Anybody sitting there, any member of the
11 panel think they've heard or read anything about the
12 case that we haven't discussed here at the bench?

13 All right. I'm now going to ask the
14 counsel, first for the Government, to introduce
15 themselves and counsel associated in the trial, as
16 well as all of the witnesses who will testify in the
17 Government's presentation of its case in chief. So
18 everyone listen very carefully as the Government
19 attorneys introduce themselves and the witnesses they
20 intend to call in the trial.

21 Mr. Beck.
22
23
24
25

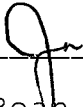
1 UNITED STATES OF AMERICA

2 STATE OF NEW MEXICO

3
4 C-E-R-T-I-F-I-C-A-T-E

5 I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,
6 Official Court Reporter for the State of New Mexico,
7 do hereby certify that the foregoing pages constitute
8 a true transcript of proceedings had before the said
9 Court, held in the District of New Mexico, in the
10 matter therein stated.

11 In testimony whereof, I have hereunto set my
12 hand on this 29th day of June, 2018.

13
14 
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